

# Federal Register

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Monday  
May 13, 1996

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Part XXVII

## National Archives and Records Administration

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Semiannual Regulatory Agenda

**NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)**

**NATIONAL ARCHIVES AND RECORDS ADMINISTRATION**

**36 CFR Ch. XII**

**Unified Agenda of Federal Regulations**

**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 October 1995. 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 January 2, 1996. 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 provide a systematic means of monitoring regulatory activity in NARA. Some of the regulations listed in the agenda are considered significant under Executive Order 12866 "Regulatory Planning and Review."

**FOR FURTHER INFORMATION CONTACT:** Mary Ann Hadyka, Regulatory Contact, Policy and Planning Division, (301) 713-6730.

Dated: February 28, 1996.  
John W. Carlin,  
*Archivist of the United States.*

**Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
3666	NARA Facilities .....	3095-AA06
3667	Federal Records Centers .....	3095-AA27
3668	Domestic Distribution of United States Information Agency Materials in the Custody of the National Archives .....	3095-AA55
3669	Maintenance of Magnetic Computer Tape .....	3095-AA57
3670	Standards for Agency Recordkeeping Requirements—Records, Nonrecord Materials, and Personal Papers .....	3095-AA61
3671	NARA Privacy Act .....	3095-AA66
3672	Records Declassification .....	3095-AA67
3673	NARA Reproduction Services .....	3095-AA68
3674	Researcher Registration and Research Room Procedures .....	3095-AA69
3675	Transfer of Electronic Records .....	3095-AA70
3676	NARA Fee Schedule .....	3095-AA71
3677	NARA Freedom of Information Act Regulations .....	3095-AA72

**Final Rule Stage**

Sequence Number	Title	Regulation Identifier Number
3678	Audiovisual Records Management .....	3095-AA18
3679	Preservation and Protection of and Access to the Presidential Historical Materials of the Nixon Administration, Amendment of Public Access Regulations .....	3095-AA59
3680	NARA Policy on Outside Employment .....	3095-AA60
3681	Disposition of Federal Records .....	3095-AA65

**Completed Actions**

Sequence Number	Title	Regulation Identifier Number
3682	National Historical Publications and Records Commission; Grant Procedures .....	3095-AA43
3683	Location of Records and Hours of Use; Suitland Research Room .....	3095-AA64

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

## Proposed Rule Stage

**3666. NARA FACILITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 44 USC 2104(a); 44 USC 2110**CFR Citation:** 36 CFR 1280**Legal Deadline:** None

**Abstract:** NARA is updating its regulations on the use of NARA facilities and property to remove obsolete material and to clarify existing provisions, and to add provisions for the new facility in College Park, Maryland (Archives II).

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/96	
NPRM Comment Period End	06/00/96	
Final Action	07/00/96	
Final Action Effective	08/00/96	

**Small Entities Affected:** Undetermined**Government Levels Affected:** None

**Agency Contact:** Mary Ann Hadyka, Regulatory Contact, Policy and IRM Services, National Archives and Records Administration, The National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001  
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**RIN:** 3095-AA06**3667. FEDERAL RECORDS CENTERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 44 USC 2907; 44 USC 3103**CFR Citation:** 36 CFR 1228**Legal Deadline:** None

**Abstract:** NARA is updating regulations in subpart I of part 1228 relating to transfer of records to Federal records centers to clarify provisions, update addresses, and remove outdated material. NARA is adding the Pittsfield Federal Records Center to the list of records centers in 36 CFR 1228.150 and 36 CFR 1253.6. The center, located at 100 Dan Fox Drive in Pittsfield, Massachusetts is designated for storage of long-term records of Federal agencies. NARA is adding a new procedure under 36 CFR 1228.152 (e) stipulating that new accessions of Top Secret records will only be accepted at the Washington National Records Center.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/96	
NPRM Comment Period End	06/00/96	
Final Action	07/00/96	
Final Action Effective	08/00/96	

**Small Entities Affected:** None**Government Levels Affected:** Federal

**Agency Contact:** Debra Leahy, Deputy Director, Field Operations Division, National Archives and Records Administration, The National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001  
Phone: 301 713-7210  
Fax: 301 713-7205

**RIN:** 3095-AA27**3668. DOMESTIC DISTRIBUTION OF UNITED STATES INFORMATION AGENCY MATERIALS IN THE CUSTODY OF THE NATIONAL ARCHIVES****Priority:** Other Significant**Legal Authority:** PL 101-246, sec 202**CFR Citation:** 36 CFR 1256**Legal Deadline:** None

**Abstract:** This rule will establish procedures for making available USIA produced motion pictures, films, videotapes, and other materials when the materials become eligible for domestic dissemination.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/96	
NPRM Comment Period End	06/00/96	
Final Action	07/00/96	
Final Action Effective	08/00/96	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** None

**Agency Contact:** Michael J. Kurtz, Assistant Archivist, Office of the National Archives, National Archives and Records Administration, The National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001

Phone: 301 713-7000

Fax: 301 713-6915

**RIN:** 3095-AA55**3669. MAINTENANCE OF MAGNETIC COMPUTER TAPE****Priority:** Other Significant**Legal Authority:** 44 USC 2904; 44 USC 3101; 44 USC 3102; 44 USC 3105**CFR Citation:** 36 CFR 1234.30**Legal Deadline:** None

**Abstract:** NARA will revise 36 CFR 1234.30 to address the increasing diversity of digital storage media used to store electronic records. The current regulation contains several specifications that are applicable only to open reel magnetic tape. NARA will replace these specifics with general guidelines applicable to a variety of media. This regulation applies to Federal agencies which maintain Federal records on digital media.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/96	
NPRM Comment Period End	07/00/96	
Final Action	08/00/96	
Final Action Effective	09/00/96	

**Small Entities Affected:** None**Government Levels Affected:** Federal

**Agency Contact:** Kenneth Thibodeau, Director, Center for Electronic Records, National Archives and Records Administration, The National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001  
Phone: 301 713-6630  
Fax: 301 713-6911

**RIN:** 3095-AA57**3670. STANDARDS FOR AGENCY RECORDKEEPING REQUIREMENTS—RECORDS, NONRECORD MATERIALS, AND PERSONAL PAPERS****Priority:** Other Significant**Legal Authority:** 44 USC 2904; 44 USC 2905; 44 USC 3101; 44 USC 3102; 44 USC 3301; 44 USC 3314**CFR Citation:** 36 CFR 1222**Legal Deadline:** None

**Abstract:** This revision of the regulation expands the guidance on personal papers and adds a requirement for agencies to protect against the removal of Federal records by issuing written procedures for the removal of nonrecord and personal materials. It also adds a requirement that agencies document the removal of nonrecord

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and personal materials and certify that no Federal records were taken. Finally, this revision provides more explicit guidance on records in electronic form.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/96	
NPRM Comment Period End	06/00/96	
Final Action	07/00/96	
Final Action Effective	08/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Jean Keeting, Chief, Policy and Outreach Branch, National Archives and Records Administration, The National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001  
Phone: 301 713-6677  
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**RIN:** 3095-AA61

**3671. NARA PRIVACY ACT**

**Priority:** Other

**Legal Authority:** 44 USC 2104(a); 5 USC 552(a)

**CFR Citation:** 36 CFR 1202

**Legal Deadline:** None

**Abstract:** NARA is updating its Privacy Act regulations governing NARA-created (administrative) records to reflect organizational and procedural changes.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/96	
NPRM Comment Period End	06/00/96	
Final Action	07/00/96	
Final Action Effective	08/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Nancy Allard, Regulatory Contact, Policy and IRM Services, National Archives and Records Administration, The National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001  
Phone: 301 713-6730  
Fax: 301 713-7270

**RIN:** 3095-AA66

**3672. RECORDS DECLASSIFICATION**

**Priority:** Other Significant

**Legal Authority:** 44 USC 2101 to 2118; 5 USC 552; EO 12600; EO 12958; EO 12356

**CFR Citation:** 36 CFR 1254; 36 CFR 1260

**Legal Deadline:** None

**Abstract:** NARA plans to revise its regulations on mandatory review and declassification of its archival holdings to reflect the provision of EO 12958, Classified National Security Information. The revised regulations will affect Federal agencies as well as the public.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/96	
NPRM Comment Period End	06/00/96	
Final Action	07/00/96	
Final Action Effective	08/00/96	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Federal

**Agency Contact:** Nancy Allard, Regulatory Contact, Policy and IRM Services, National Archives and Records Administration, National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001  
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**RIN:** 3095-AA67

**3673. NARA REPRODUCTION SERVICES**

**Priority:** Other

**Legal Authority:** 44 USC 2101 to 2118

**CFR Citation:** 36 CFR 1254

**Legal Deadline:** None

**Abstract:** NARA is updating its regulations regarding refunds by mail of unused amounts on debit cards used by researchers for self service copiers in the National Archives Building, the Washington National Records Center and the National Archives at College Park. In addition, this update shall include the hours of operation for the cashiers office at the National Archives at College Park location.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/96	
NPRM Comment Period End	10/00/96	

Action	Date	FR Cite
Final Action	12/00/96	
Final Action Effective	01/00/97	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Sonia R. Rudo, National Archives Trust Fund Branch, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001  
Phone: 301 713-6405  
Fax: 301 713-7311

**RIN:** 3095-AA68

**3674. RESEARCHER REGISTRATION AND RESEARCH ROOM PROCEDURES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 44 USC 2111

**CFR Citation:** 36 CFR 1254

**Legal Deadline:** None

**Abstract:** NARA is updating its regulations to lower the age at which a student may be granted full research privileges from 16 years old to 14 years old; to extend the valid period of researcher cards issued by the automated application system from 2 years to 3 years; and to revise the list of equipment permitted in research rooms.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/96	
NPRM Comment Period End	06/00/96	
Final Action	07/00/96	
Final Action Effective	07/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Sharon K. Fawcett, Director, User Services Division, National Archives and Records Administration, National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001  
Phone: 301 713-6770  
Fax: 301 713-6920

**RIN:** 3095-AA69

**3675. TRANSFER OF ELECTRONIC RECORDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 44 USC 2104(a); 44 USC 2107

**CFR Citation:** 36 CFR 1228.188

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**Legal Deadline:** None

**Abstract:** NARA is updating its regulations relating to transfer of electronic records to the National Archives. The revision will clarify timing of transfers of electronic records and provide updated requirements for transfer media and data formats.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/96	
NPRM Comment Period End	06/00/96	
Final Action	07/00/96	
Final Action Effective	08/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Kenneth Thibodeau, Director, Center for Electronic Records, National Archives and Records Administration, National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001  
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**RIN:** 3095-AA70

**3676. • NARA FEE SCHEDULE**

**Priority:** Other

**Legal Authority:** 44 USC 2104(a); 44 USC 2116(c)

**CFR Citation:** 36 CFR 1258

**Legal Deadline:** None

**Abstract:** NARA is revising the fees for reproduction services provided to the public for copies of records in its custody.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/96	
NPRM Comment Period End	06/00/96	
Final Action	06/00/96	
Final Action Effective	07/00/96	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Sonia J. Rudo, National Archives Trust Fund Branch, National Archives and Records Administration, The National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001  
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Email: sonia.rudo@arch2.nara.gov

**RIN:** 3095-AA71

**3677. • NARA FREEDOM OF INFORMATION ACT REGULATIONS**

**Priority:** Other

**Legal Authority:** 5 USC 552; 44 USC 2101 to 2118; EO 12600

**CFR Citation:** 36 CFR 1250; 36 CFR 1254

**Legal Deadline:** None

**Abstract:** NARA is updating its FOIA regulations governing NARA-created (administrative) records and records accessioned into the National Archives of the United States to reflect organizational and procedural changes.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/96	
NPRM Comment Period End	06/00/96	
Final Action	07/00/96	
Final Action Effective	08/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** NARA has decided to issue revised Privacy Act and FOIA regulations in separate rulemakings.

**Agency Contact:** Mary Ronan, Team Leader, Policy and Planning Division, National Archives and Records Administration, The National Archives, Washington, DC 40408  
Phone: 202 501-5461  
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**RIN:** 3095-AA72

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

## Final Rule Stage

**3678. AUDIOVISUAL RECORDS MANAGEMENT**

**Priority:** Other Significant

**Legal Authority:** 44 USC 2104(a); 44 USC 2904; 44 USC 3101

**CFR Citation:** 36 CFR 1228; 36 CFR 1232

**Legal Deadline:** None

**Abstract:** NARA is revising and expanding the regulations pertaining to audiovisual records management and the transfer of permanent audiovisual records to NARA from Federal agencies. The revisions are necessary in order to provide for new audiovisual media that are used in the creation of Federal records and to reflect the transfer to the Department of Commerce's National Technical Information Services of the centralized audiovisual distribution services

formerly performed by the National Audiovisual Center.

**Timetable:**

Action	Date	FR Cite
Final Rule - Organizational Name Change	05/14/93	58 FR 28506
NPRM	09/28/95	60 FR 50158
NPRM Comment Period End	11/27/95	
Final Action	04/00/96	
Final Action Effective	05/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Jean Keeting, Chief, Policy and Outreach Branch, National Archives and Records Administration, The National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001  
Phone: 301 713-7100

Fax: 301 713-6850

**RIN:** 3095-AA18

**3679. PRESERVATION AND PROTECTION OF AND ACCESS TO THE PRESIDENTIAL HISTORICAL MATERIALS OF THE NIXON ADMINISTRATION, AMENDMENT OF PUBLIC ACCESS REGULATIONS**

**Priority:** Other Significant

**Legal Authority:** 44 USC 2104; 44 USC 2111

**CFR Citation:** 36 CFR 1275

**Legal Deadline:** None

**Abstract:** NARA proposes to amend procedures for preserving and protecting the Presidential historical materials of the Nixon administration and for providing public access to these materials. The proposed amendments would clarify various terms that appear

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in 36 CFR part 1275; clarify the nature of the archival processing being conducted on the Nixon Presidential Materials; and provide for the reproduction of the Nixon White House tape recordings.

**Timetable:**

Action	Date	FR Cite
NPRM	03/25/94	59 FR 14128
NPRM Comment Period End	05/24/94	
Final Action	04/00/96	
Final Action Effective	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Amy Krupsky, Office of General Counsel, National Archives and Records Administration, Washington, DC 20408  
Phone: 202 501-5535  
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**RIN:** 3095-AA59

**3680. NARA POLICY ON OUTSIDE EMPLOYMENT**

**Priority:** Other

**Legal Authority:** 5 USC 7301; EO 12674; EO 12731

**CFR Citation:** 5 CFR 7600

**Legal Deadline:** None

**Abstract:** The new Office of Government Ethics regulations in 5 CFR part 2635 require agencies to reissue their internal regulations on outside employment by agency personnel as a supplement to the OGE regulations. NARA will reissue its internal regulations on outside employment as 5 CFR part 7600. These regulations will affect only NARA employees.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/96	
Final Action Effective	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Christopher Runkel, Designated Ethics Official, National Archives and Records Administration, The National Archives, Washington, DC 20408  
Phone: 202 501-5535  
Fax: 202 501-5955

**RIN:** 3095-AA60

**3681. DISPOSITION OF FEDERAL RECORDS**

**Priority:** Other Significant

**Legal Authority:** 44 USC 2101 et seq; 44 USC 2901 et seq; 44 USC 3101 et seq

**CFR Citation:** 36 CFR 1228.32; 36 CFR 1228.54

**Legal Deadline:** None

**Abstract:** NARA is amending its regulations to require reimbursement for all temporary records maintained in Federal records centers that have exceeded the authorized disposal date.

**Timetable:**

Action	Date	FR Cite
NPRM	09/26/95	60 FR 49532
NPRM Comment Period End	11/27/95	
Final Action	04/00/96	
Final Action Effective	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Debra Leahy, Deputy Director, Field Operations Division, National Archives and Records Administration, The National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001  
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**RIN:** 3095-AA65

**NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)**

**Completed Actions**

**3682. NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION; GRANT PROCEDURES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 36 CFR 1206

**Completed:**

Reason	Date	FR Cite
Final Action	02/13/96	61 FR 5656
Final Action Effective	03/14/96	

**Small Entities Affected:** Governmental Jurisdictions, Organizations

**Government Levels Affected:** State, Local

**Agency Contact:** Nancy Sahli  
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**RIN:** 3095-AA43

**3683. LOCATION OF RECORDS AND HOURS OF USE; SUITLAND RESEARCH ROOM**

**Priority:** Other

**CFR Citation:** 36 CFR 1253

**Completed:**

Reason	Date	FR Cite
Final Action	01/05/96	61 FR 390
Final Action Effective	09/09/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

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**RIN:** 3095-AA64

[FR Doc. 96-6553 Filed 05-10-96; 8:45 am]

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