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Monday  
May 8, 1995

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Part XXVIII

**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 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 1994. This agenda was developed under the guidelines in OMB's Memorandum for Regulatory Policy Officers at Executive Departments and Establishments, dated December 21, 1994. 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 22, 1995.  
**Ralph C. Bledsoe,**  
*Acting Archivist of the United States.*

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
4129	Maintenance of Magnetic Computer Tape .....	3095-AA57

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4130	NARA Facilities .....	3095-AA06
4131	Audiovisual Records Management .....	3095-AA18
4132	Federal Records Centers .....	3095-AA27
4133	National Historical Publications and Records Commission; Grant Procedures .....	3095-AA43
4134	Domestic Distribution of United States Information Agency Materials in the Custody of the National Archives .....	3095-AA55
4135	Standards for Agency Recordkeeping Requirements—Records, Nonrecord Materials, and Personal Papers .....	3095-AA61
4136	Transfer of Records to Federal Records Centers .....	3095-AA62

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4137	Vital Records .....	3095-AA51
4138	Preservation and Protection of and Access to the Presidential Historical Materials of the Nixon Administration, Amendment of Public Access Regulations .....	3095-AA59
4139	NARA Policy on Outside Employment .....	3095-AA60
4140	NARA Reproduction Fee Schedule .....	3095-AA63

Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
4141	Administrative Requirements for Grants and Cooperative Agreements .....	3095-AA23
4142	Electronic Mail Systems .....	3095-AA58

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Prerule Stage

**4129. MAINTENANCE OF MAGNETIC COMPUTER TAPE****Legal Authority:** 44 USC 2904; 44 USC 3101; 44 USC 3102; 44 USC 3105**CFR Citation:** 36 CFR 1234.28**Legal Deadline:** None**Abstract:** NARA will revise 36 CFR 1234.28 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:** Next Action Undetermined**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, **301 713-6630****RIN:** 3095-AA57

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Proposed Rule Stage

**4130. NARA FACILITIES****Priority:** Agency Priority**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	06/00/95	
NPRM Comment Period End	07/00/95	
Final Action	09/00/95	
Final Action Effective	10/00/95	

**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, **301 713-6730****RIN:** 3095-AA06

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 Action Organizational Name Change	05/14/93	58 FR 28506
NPRM	04/00/95	
NPRM Comment Period End	06/00/95	
Final Action	07/00/95	
Final Action Effective	08/00/95	

**Small Entities Affected:** None**Government Levels Affected:** Federal  
**Agency Contact:** Jean Keeting, Acting Chief, Policy and Outreach Branch, National Archives and Records Administration, The National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001, **301 713-7100****RIN:** 3095-AA18

records centers to clarify provisions and to remove outdated material.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/95	
NPRM Comment Period End	07/00/95	
Final Action	08/00/95	
Final Action Effective	09/00/95	

**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, **301 713-7210****RIN:** 3095-AA27**4133. NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION; GRANT PROCEDURES****Priority:** Agency Priority**Legal Authority:** 44 USC 2104(a); 44 USC 2501 to 2506**CFR Citation:** 36 CFR 1206**Legal Deadline:** None**Abstract:** To update the program descriptions; to revise appointment procedures for state historical advisory boards; to cite audit requirements of OMB Circular A-133, "Audits of Institutions of Higher Education and Other Nonprofit Organizations"; and to notify grantees of the lobbying certification requirement for grants of \$100,000 or more; and to incorporate OMB Circular A-110, "Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals and Other Nonprofit Organizations."**4131. AUDIOVISUAL RECORDS MANAGEMENT****Priority:** Agency Priority**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**4132. FEDERAL RECORDS CENTERS****Priority:** Agency Priority**Legal Authority:** 44 USC ch 21; 44 USC ch 29; 44 USC ch 31**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

## NARA

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/95	
Interim Final Rule Implementation of OMB Circular A- 110	05/00/95	
NPRM Comment Period End	07/00/95	
Final Action	08/00/95	
Final Action Effective	09/00/95	

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

**Government Levels Affected:** State, Local

**Agency Contact:** Nancy Sahli, Acting Executive Director, National Historical Publications and Records Comm., National Archives and Records Administration, Washington, DC 20408, **202 501-5610**

**RIN:** 3095-AA43

#### 4134. DOMESTIC DISTRIBUTION OF UNITED STATES INFORMATION AGENCY MATERIALS IN THE CUSTODY OF THE NATIONAL ARCHIVES

**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	06/00/95	
NPRM Comment Period End	08/00/95	
Final Action	09/00/95	
Final Action Effective	10/00/95	

**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, **301 713-7000**

**RIN:** 3095-AA55

#### 4135. STANDARDS FOR AGENCY RECORDKEEPING REQUIREMENTS—RECORDS, NONRECORD MATERIALS, AND PERSONAL PAPERS

**Priority:** Regulatory Plan

**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 regulation expands regulatory 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 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	05/00/95	
NPRM Comment Period End	07/00/95	
Final Action	09/00/95	
Final Action Effective	10/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Jean Keeting, Acting Chief, Policy and Outreach Branch, National Archives and Records Administration, The National Archives at College Park, 8601 Adelphi Road,

College Park, MD 20740-6001, **301 713-6677**

**RIN:** 3095-AA61

#### 4136. • TRANSFER OF RECORDS TO FEDERAL RECORDS CENTERS

**Legal Authority:** 44 USC 2907

**CFR Citation:** 36 CFR 1228.150; 36 CFR 1228.152(f); 36 CFR 1253.6

**Legal Deadline:** None

**Abstract:** 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. One of the objectives of the NARA GPRA Pilot Study is to reduce the time allowed for agencies to transfer records after receiving FRC approval. Currently, agencies have up to 90 days after FRC approval to accomplish the transfer of records to the center. NARA proposes to revise 36 CFR 1228.152(f) to reduce the transfer period to 60 days, with the exception of overseas offices which are given 120 days for transfer of records.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/95	
NPRM Comment Period End	06/00/95	
Final Action	07/00/95	
Final Action Effective	08/00/95	

**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, **301 713-7210**

**RIN:** 3095-AA62

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

## Final Rule Stage

## 4137. VITAL RECORDS

**Priority:** Agency Priority

**Legal Authority:** 44 USC 2104(a); 44 USC 2904(a); 44 USC 3101; 44 USC 3102; 44 USC 3105

**CFR Citation:** 36 CFR 1236

**Legal Deadline:** None

**Abstract:** This change updates NARA's regulations regarding agency vital records programs.

**Timetable:**

Action	Date	FR Cite
NPRM	05/31/94	59 FR 28033
NPRM Comment Period End	08/01/94	59 FR 28033

## NARA

## Final Rule Stage

Final Action 04/00/95  
Final Action Effective 05/00/95

**Small Entities Affected:** None

**Government Levels Affected:** Federal

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

**RIN:** 3095-AA51

**4138. PRESERVATION AND PROTECTION OF AND ACCESS TO THE PRESIDENTIAL HISTORICAL MATERIALS OF THE NIXON ADMINISTRATION, AMENDMENT OF PUBLIC ACCESS REGULATIONS**

**Priority:** Agency Priority

**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 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

Action	Date	FR Cite
NPRM Comment Period End	05/24/94	59 FR 14128

Final Action 06/00/95

Final Action Effective 07/00/95

**Small Entities Affected:** None

**Government Levels Affected:** None

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

**RIN:** 3095-AA59

**4139. NARA POLICY ON OUTSIDE EMPLOYMENT**

**Legal Authority:** 5 CFR 2635

**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	04/00/95	
Final Action Effective	04/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Christopher Runkel, Acting General Counsel/Designated Ethics Official, National Archives and

Records Administration, The National Archives, Washington, DC 20408, **202 501-5535**

**RIN:** 3095-AA60

**4140. • NARA REPRODUCTION FEE SCHEDULE**

**Legal Authority:** 44 USC 2116(c)

**CFR Citation:** 36 CFR 1258

**Legal Deadline:** None

**Abstract:** NARA is amending its reproduction fee regulations to correct addresses and remove certain photographic reproductions and fees from the published fee schedule. These processes will continue to be made available; however, alternative methods of providing the reproductions of records held by three NARA offices may have different charges than those currently published in 36 CFR part 1258.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/30/95	60 FR 5579
Final Action	05/00/95	

**Small Entities Affected:** None

**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, **301 713-6730**

**RIN:** 3095-AA63

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

**Completed/Longterm Actions**

**4141. ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS**

**CFR Citation:** 36 CFR 1207

**Completed:**

Reason	Date	FR Cite
Final Action	04/19/95	60 FR 19638
Final Action Effective	05/19/95	60 FR 19638

**Small Entities Affected:** None

**Government Levels Affected:** State, Local

**Agency Contact:** Mary Ann Hadyka, **301 713-6730**

**RIN:** 3095-AA23

**4142. ELECTRONIC MAIL SYSTEMS**

**Priority:** Regulatory Plan

**CFR Citation:** 36 CFR 1220; 36 CFR 1222; 36 CFR 1234

**Completed:**

Reason	Date	FR Cite
Final Action	12/00/95	
Final Action Effective	12/00/95	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** James Hastings, **301 713-7096**

**RIN:** 3095-AA58

[FR Doc. 95-5205 Filed 05-05-95; 8:45 am]

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