

Federal Register

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Part XXVII

**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 April 1996. 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 19, 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.

SUPPLEMENTARY INFORMATION: 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.

Dated: September 19, 1996.

L. Reynolds Cahoon,

Assistant Archivist for Policy and IRM Services.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3980	NARA Facilities	3095-AA06
3981	Federal Records Centers	3095-AA27
3982	Domestic Distribution of United States Information Agency Materials in the Custody of the National Archives	3095-AA55
3983	Maintenance of Magnetic Computer Tape	3095-AA57
3984	Standards for Agency Recordkeeping Requirements—Records, Nonrecord Materials, and Personal Papers (Reg Plan Seq. No. 139)	3095-AA61
3985	NARA Privacy Act	3095-AA66
3986	Records Declassification	3095-AA67
3987	Researcher Registration and Research Room Procedures	3095-AA69
3988	NARA Fee Schedule	3095-AA71
3989	NARA Freedom of Information Act Regulations	3095-AA72

References in boldface appear in the Regulatory Plan in Part II of this issue of the **Federal Register**.

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3990	Transfer of Electronic Records	3095-AA70

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3991	Audiovisual Records Management	3095-AA18
3992	Preservation and Protection of and Access to the Presidential Historical Materials of the Nixon Administration, Amendment of Public Access Regulations	3095-AA59
3993	NARA Policy on Outside Employment	3095-AA60
3994	Disposition of Federal Records	3095-AA65
3995	NARA Reproduction Services	3095-AA68
3996	Suitland Research Room Closure	3095-AA74

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Proposed Rule Stage

3980. 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	04/00/97	
NPRM Comment Period End	06/00/97	
Final Action	07/00/97	
Final Action Effective	08/00/97	

Small Entities Affected: Undetermined**Government Levels Affected:** None**Agency Contact:** Mary Ann Hadyka, Regulatory Contact, Policy and IRM Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001
Phone: 301 713-6730
Fax: 301 713-7270
Email: maryann.hadyka@arch2.nara.gov**RIN:** 3095-AA06**3981. 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 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	01/00/97	
NPRM Comment Period End	03/00/97	
Final Action	04/00/97	
Final Action Effective	05/00/97	

Small Entities Affected: None**Government Levels Affected:** Federal**Agency Contact:** Debra Leahy, Deputy Director, Field Operations Division, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001
Phone: 301 713-7210
Fax: 301 713-7205**RIN:** 3095-AA27**3982. 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	10/00/96	
NPRM Comment Period End	12/00/96	
Final Action	01/00/97	
Final Action Effective	02/00/97	

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, 8601 Adelphi Road, College Park, MD 20740-6001
Phone: 301 713-7000
Fax: 301 713-6915**RIN:** 3095-AA55**3983. 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	04/00/97	
NPRM Comment Period End	06/00/97	
Final Action	07/00/97	
Final Action Effective	08/00/97	

Small Entities Affected: None**Government Levels Affected:** Federal**Agency Contact:** Kenneth Thibodeau, Director, Center for Electronic Records, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001
Phone: 301 713-6630
Fax: 301 713-6911**RIN:** 3095-AA57**3984. STANDARDS FOR AGENCY RECORDKEEPING REQUIREMENTS—RECORDS, NONRECORD MATERIALS, AND PERSONAL PAPERS****Regulatory Plan:** This entry is Seq. No. 139 in Part II of this issue of the Federal Register.**RIN:** 3095-AA61**3985. NARA PRIVACY ACT****Priority:** Info./Admin./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	10/00/96	
NPRM Comment Period End	12/00/96	

NARA

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Action	Date	FR Cite
Final Action	01/00/97	
Final Action Effective	02/00/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nancy Allard, Regulatory Contact, Policy and IRM Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001
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RIN: 3095-AA66

3986. 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	01/00/97	
NPRM Comment Period End	03/00/97	
Final Action	04/00/97	
Final Action Effective	05/00/97	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

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

3987. 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	10/00/96	
NPRM Comment Period End	12/00/96	
Final Action	01/00/97	
Final Action Effective	02/00/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael J. McReynolds, Acting Director, User Services Division, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001

Phone: 301 713-6770

Fax: 301 713-6920

RIN: 3095-AA69

3988. NARA FEE SCHEDULE

Priority: Info./Admin./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	11/00/96	
NPRM Comment Period End	01/00/97	
Final Action	02/00/97	
Final Action Effective	03/00/97	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Sonia J. Rudo, National Archives Trust Fund Branch, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001
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Fax: 301 713-7311
Email: sonia.rudo@arch2.nara.gov

RIN: 3095-AA71

3989. NARA FREEDOM OF INFORMATION ACT REGULATIONS

Priority: Info./Admin./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	04/00/97	
NPRM Comment Period End	06/00/97	
Final Action	07/00/97	
Final Action Effective	08/00/97	

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: Nancy Allard, Regulatory Contact, Policy and Planning Division, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001

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RIN: 3095-AA72

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Final Rule Stage

3990. TRANSFER OF ELECTRONIC RECORDS

Priority: Substantive, Nonsignificant
Legal Authority: 44 USC 2104(a); 44 USC 2107
CFR Citation: 36 CFR 1228.188
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	07/29/96	61 FR 39373
NPRM Comment Period End	09/27/96	
Final Action	10/00/96	
Final Action Effective	11/00/96	

Small Entities Affected: None
Government Levels Affected: Federal
Agency Contact: Kenneth Thibodeau, Director, Center for Electronic Records, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001
 Phone: 301 713-6630
 Fax: 301 713-6911
RIN: 3095-AA70

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Completed Actions

3991. AUDIOVISUAL RECORDS MANAGEMENT

Priority: Other Significant
CFR Citation: 36 CFR 1228; 36 CFR 1232

Completed:

Reason	Date	FR Cite
Final Action	06/24/96	61 FR 32335
Final Action Effective	07/24/96	

Small Entities Affected: None
Government Levels Affected: Federal
Agency Contact: Jean Keeting
 Phone: 301 713-7100
 Fax: 301 713-6850
RIN: 3095-AA18

Completed:

Reason	Date	FR Cite
Final Action	08/05/96	61 FR 40505
Final Action Effective	08/05/96	

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Christopher Runkel
 Phone: 202 501-5535
 Fax: 202 501-5955
RIN: 3095-AA60

Government Levels Affected: None
Agency Contact: Sonia R. Rudo
 Phone: 301 713-6405
 Fax: 301 713-7311
RIN: 3095-AA68

3992. PRESERVATION AND PROTECTION OF AND ACCESS TO THE PRESIDENTIAL HISTORICAL MATERIALS OF THE NIXON ADMINISTRATION, AMENDMENT OF PUBLIC ACCESS REGULATIONS

Priority: Other Significant
CFR Citation: 36 CFR 1275

Completed:

Reason	Date	FR Cite
Final Action	04/23/96	61 FR 17842
Final Action Effective	05/23/96	

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Amy Krupsky
 Phone: 202 501-5535
 Fax: 202 501-5955
RIN: 3095-AA59

3994. DISPOSITION OF FEDERAL RECORDS

Priority: Other Significant
CFR Citation: 36 CFR 1228.32; 36 CFR 1228.54

Completed:

Reason	Date	FR Cite
Final Action	05/02/96	61 FR 19552
Final Action Effective	06/03/96	61 FR 19553

Small Entities Affected: None
Government Levels Affected: Federal
Agency Contact: Debra Leahy
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 Fax: 301 713-7205
RIN: 3095-AA65

3996. SUI TLAND RESEARCH ROOM CLOSURE

Priority: Info./Admin./Other
Legal Authority: 44 USC 2104(a)
CFR Citation: 36 CFR 1253.4

Legal Deadline: None
Abstract: NARA closed the Suitland Research Room at the Washington National Records Center and established new public use hours for records center holdings at this facility. This RIN was originally published as 3095-AA64.

Timetable:

Action	Date	FR Cite
Final Action	04/04/96	61 FR 14971
Final Action Effective	05/06/96	

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Michael J. McReynolds, Acting Director, User Services Division, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001
 Phone: 301 713-6770
 Fax: 301 713-6920
RIN: 3095-AA74
 [FR Doc. 96-25324 Filed 11-27-96; 8:45 am]
BILLING CODE 7515-01-F

3993. NARA POLICY ON OUTSIDE EMPLOYMENT

Priority: Info./Admin./Other
CFR Citation: 5 CFR 7601

3995. NARA REPRODUCTION SERVICES

Priority: Info./Admin./Other
CFR Citation: 36 CFR 1254

Completed:

Reason	Date	FR Cite
Withdrawn - NARA determined this change was not needed at this time	09/16/96	

Small Entities Affected: None