



Wednesday
October 29, 1997

Part XXVIII

**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 1997. 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 June 10, 1997. 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: Nancy Allard, Regulatory Contact,

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SUPPLEMENTARY INFORMATION: For this edition of NARA's regulatory agenda, the most important significant regulatory action is included in The Regulatory Plan, which appears in Part II of this issue of the **Federal Register**. The Regulatory Plan entry is listed in the Table of Contents below and is denoted by a bracketed bold reference, which directs the reader to the appropriate Sequence Number in Part II.

Dated: August 13, 1997.

John W. Carlin,
Archivist of the United States.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3788	NARA Facilities	3095-AA06
3789	Records Services Centers	3095-AA27
3790	Maintenance of Magnetic Computer Tape	3095-AA57
3791	Standards for Agency Recordkeeping Requirements—Records, Nonrecord Materials, and Personal Papers (Reg Plan Seq. No. 148)	3095-AA61
3792	NARA Privacy Act	3095-AA66
3793	Records Declassification	3095-AA67
3794	Researcher Registration and Research Room Procedures	3095-AA69
3795	NARA Freedom of Information Act Regulations	3095-AA72
3796	Limitations on Testimony by NARA Employees	3095-AA75
3797	Collection of Debts Owed to the United States by NARA Employees	3095-AA76
3798	NARA Evaluation Program	3095-AA79
3799	Storage of Nonpaper Records and Artifacts	3095-AA80
3800	Agency Records Centers	3095-AA81

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
3801	Transfer of Electronic Records	3095-AA70
3802	Debt Collection	3095-AA77
3803	Administrative Requirements for Grantees To Reflect Single Audit Act Amendments	3095-AA78

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3804	Domestic Distribution of United States Information Agency Materials in the Custody of the National Archives	3095-AA55
3805	NARA Fee Schedule	3095-AA71

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Proposed Rule Stage

3788. 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	04/00/98	
NPRM Comment Period End	06/00/98	
Final Action	07/00/98	
Final Action Effective	08/00/98	

Small Entities Affected: Undetermined

Government Levels Affected: None

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RIN: 3095-AA06

3789. RECORDS SERVICES 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 records services 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	01/00/98	
NPRM Comment Period End	03/00/98	

Action Date FR Cite

Final Action 04/00/98

Final Action Effective 05/00/98

Small Entities Affected: None

Government Levels Affected: Federal

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RIN: 3095-AA27

3790. 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	03/00/98	
NPRM Comment Period End	05/00/98	
Final Action	06/00/98	
Final Action Effective	07/00/98	

Small Entities Affected: None

Government Levels Affected: Federal

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RIN: 3095-AA57

3791. STANDARDS FOR AGENCY RECORDKEEPING REQUIREMENTS—RECORDS, NONRECORD MATERIALS, AND PERSONAL PAPERS

Regulatory Plan: This entry is Seq. No. 148 in Part II of this issue of the **Federal Register**.

RIN: 3095-AA61

3792. 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	10/00/97	
NPRM Comment Period End	12/00/97	
Final Action	01/00/98	
Final Action Effective	02/00/98	

Small Entities Affected: None

Government Levels Affected: None

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RIN: 3095-AA66

3793. 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.

NARA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	04/00/98	
NPRM Comment Period End	06/00/98	
Final Action	07/00/98	
Final Action Effective	08/00/98	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

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RIN: 3095-AA67

3794. 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	10/00/97	
NPRM Comment Period End	12/00/97	
Final Action	01/00/98	
Final Action Effective	02/00/98	

Small Entities Affected: None

Government Levels Affected: None

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RIN: 3095-AA69

3795. 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	10/00/97	
NPRM Comment Period End	12/00/97	
Final Action	01/00/98	
Final Action Effective	02/00/98	

Small Entities Affected: None

Government Levels Affected: None

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

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RIN: 3095-AA72

3796. LIMITATIONS ON TESTIMONY BY NARA EMPLOYEES

Priority: Info./Admin./Other

Legal Authority: 5 USC 301; 44 USC 2104; 44 USC 2108 to 2109; 44 USC 2112; 44 USC 2201 to 2207

CFR Citation: 36 CFR 1201; 36 CFR 1250; 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 not involving the United States or NARA as a named party.

Timetable:

Action	Date	FR Cite
NPRM	01/00/98	

Action Date FR Cite

NPRM Comment Period End	03/00/98	
Final Action	05/00/98	
Final Action Effective	06/00/98	

Small Entities Affected: None

Government Levels Affected: State, Local, Federal

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RIN: 3095-AA75

3797. COLLECTION OF DEBTS OWED TO THE UNITED STATES BY NARA EMPLOYEES

Priority: Info./Admin./Other

Legal Authority: 5 USC 5514; 31 USC 3701 to 3719; PL 104-134, sec 31001 Debt Collection Improvement Act of 1996

CFR Citation: 36 CFR 1201

Legal Deadline: None

Abstract: This regulation will establish NARA's policies and procedures for handling collection, compromise, and terminations of debts owed to the United States by NARA employees, including by salary and administrative offset. The regulation implements the Federal Claims Collection Act as amended by the Debt Collection Improvement Act of 1996.

Timetable:

Action	Date	FR Cite
NPRM	10/00/97	
NPRM Comment Period End	12/00/97	
Final Action	01/00/98	
Final Action Effective	02/00/98	

Small Entities Affected: None

Government Levels Affected: Federal

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RIN: 3095-AA76

NARA

Proposed Rule Stage

3798. • NARA EVALUATION PROGRAM

Priority: Other Significant

Legal Authority: 44 USC 2104 (a)

CFR Citation: 36 CFR 1220

Legal Deadline: None

Abstract: NARA is revising its records management regulation to describe new approaches to evaluating the records management programs in other Federal agencies, as authorized by 44 U.S.C. 2904 and 2906. The current regulation provides requirements and procedures that are based on a traditional approach: a review of the records management authorities, policies, procedures, and practices of an entire Federal agency or major components of an agency. NARA plans to add more cross-cutting evaluations of several agencies focusing on creation, maintenance, and/or disposition of such records as records in the offices of high level officials, permanent records in certain physical formats, records documenting specific functions, and the like. The revised regulation will prescribe procedures agencies are to follow and the types of information agencies will be required to provide to NARA in conjunction with these types of evaluations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/98	
NPRM Comment Period End	08/00/98	
Final Action	09/00/98	
Final Action Effective	10/00/98	

Small Entities Affected: None

Government Levels Affected: Federal

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RIN: 3095-AA79

3799. • STORAGE OF NONPAPER RECORDS AND ARTIFACTS

Priority: Other Significant

Legal Authority: 44 USC 2104 (a)

CFR Citation: 36 CFR 1228; 36 CFR 1230; 36 CFR 1232; 36 CFR 1234

Legal Deadline: None

Abstract: NARA is revising records management regulations and policies concerning storage of non-paper records and non-documentary materials (e.g., three-dimensional artifacts and exhibits that are related to a case file) at the Washington National Records Center and regional NARA facilities that provide temporary storage for Federal records. Agencies are responsible for ensuring that all of their records are maintained properly so that they are accessible throughout their scheduled retention period. NARA is concerned about the storage of non-paper records in facilities that do not provide appropriate environmental conditions. Such storage may contribute to deterioration of the records. Past practice has been inconsistent, and current regulations do not adequately address the issue.

Timetable:

Action	Date	FR Cite
NPRM	12/00/97	
NPRM Comment Period End	02/00/98	
Final Action	03/00/98	
Final Action Effective	04/00/98	

Small Entities Affected: None

Government Levels Affected: Federal

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RIN: 3095-AA80

3800. • AGENCY RECORDS CENTERS

Priority: Other Significant

Legal Authority: 44 USC 2104 (a); 44 USC 3103

CFR Citation: 36 CFR 1228.222

Legal Deadline: None

Abstract: NARA is revising the regulations on facility standards for records centers in 36 CFR part 1228, subpart I. The current regulation cites obsolete industry standards and has not been revised since the early 1980's. This rulemaking action revises standards for environmental conditions, with particular emphasis on storage areas for archival material, incorporates standards for the storage of nontextual records; prescribe new physical security and fire detection and suppression standards; and established environmental and security requirements for new agency records centers.

Timetable:

Action	Date	FR Cite
NPRM	04/00/98	
NPRM Comment Period End	06/00/98	
Final Action	07/00/98	
Final Action Effective	08/00/98	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

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RIN: 3095-AA81

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Final Rule Stage

3801. 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.

NARA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	07/29/96	61 FR 39373
NPRM Comment Period End	09/27/96	
Final Action	10/00/97	
Final Action Effective	11/00/97	

Small Entities Affected: None

Government Levels Affected: Federal

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RIN: 3095-AA70

3802. DEBT COLLECTION

Priority: Info./Admin./Other

Legal Authority: 5 USC 5514; 31 USC 3701 to 3719; PL 104-134, sec 31001

CFR Citation: 36 CFR 1201

Legal Deadline: None

Abstract: This regulation will establish NARA's policies and procedures for implementing the Debt Collection Improvement Act of 1996. It provides for the collection, compromise, or termination of debts owed to the United States and NARA by adopting the Federal Claims Collection Standards promulgated by the General Accounting Office and Department of Justice.

Timetable:

Action	Date	FR Cite
Final Action	10/00/97	
Final Action Effective	11/00/97	

Small Entities Affected: None

Government Levels Affected: Federal

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RIN: 3095-AA77

3803. • ADMINISTRATIVE REQUIREMENTS FOR GRANTEES TO REFLECT SINGLE AUDIT ACT AMENDMENTS

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 44 USC 2104 (a)

CFR Citation: 36 CFR 1207; 36 CFR 1210

Legal Deadline: None

Abstract: This interim final revision to the agencies' grants management common rule, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," and the agencies'

codification of Office of Management and Budget (OMB) Circular A-110, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations," is issued to implement the Single Audit Act Amendments of 1996 and the June 24, 1997, revision of OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations." The agencies' rules provide uniform fiscal and administrative requirements applicable to all types of grants and cooperative agreements to State and local governments, institutions of higher education, hospitals, and other non-profit organizations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/29/97	62 FR 45937
Interim Final Rule Effective	09/29/97	
Interim Final Rule Comment Period End	10/28/97	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State, Local, Tribal, Federal

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RIN: 3095-AA78

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Completed Actions

3804. DOMESTIC DISTRIBUTION OF UNITED STATES INFORMATION AGENCY MATERIALS IN THE CUSTODY OF THE NATIONAL ARCHIVES

Priority: Other Significant

CFR Citation: 36 CFR 1256

Completed:

Reason	Date	FR Cite
Final Action	06/11/97	62 FR 31724
Final Action Effective	07/11/97	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: None

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RIN: 3095-AA55

3805. NARA FEE SCHEDULE

Priority: Info./Admin./Other

CFR Citation: 36 CFR 1258

Completed:

Reason	Date	FR Cite
Final Action	06/13/97	62 FR 32203
Final Action Effective	07/14/97	

Small Entities Affected: None

Government Levels Affected: None

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