



Monday
April 26, 1999

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 October 1998. 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 8, 1999. 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: Nancy Allard, Regulatory Contact, Policy and Communications Staff, (301) 713-7360, ext. 226.

Dated: February 19, 1999.

Lewis J. Bellardo,
Deputy Archivist of the United States.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3692	NARA Facilities	3095-AA06
3693	Creation and Maintenance of Federal Records	3095-AA61
3694	Records Declassification	3095-AA67
3695	NARA Freedom of Information Act Regulations	3095-AA72
3696	Limitations on Testimony by NARA Employees	3095-AA75
3697	Collection of Debts Owed to the United States by NARA Employees	3095-AA76
3698	Agency Records Centers	3095-AA81
3699	Storage of Federal Records	3095-AA86
3700	NARA Reproduction Fees	3095-AA87
3701	Standards for Agency Recordkeeping Requirements	3095-AA88
3702	Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting From Federal Financial Assistance	3095-AA89
3703	Storage Standards for Archival Records	3095-AA90

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3704	Researcher Registration and Research Room Procedures	3095-AA69
3705	Debt Collection	3095-AA77
3706	Presidential Library Facilities	3095-AA82
3707	Nixon Presidential Materials	3095-AA91

Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3708	Administrative Requirements for Grantees To Reflect Single Audit Act Amendments	3095-AA78

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3709	Records Services Centers	3095-AA27
3710	NARA Privacy Act	3095-AA66

NARA

Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
3711	Storage of Nonpaper Records and Artifacts	3095-AA80

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Proposed Rule Stage

3692. 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	04/00/99	
NPRM Comment Period End	06/00/99	
Final Action	07/00/99	
Final Action Effective	08/00/99	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

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

Phone: 301 713-7360

Fax: 301 713-7270

Email: nancy.allard@arch2.nara.gov

RIN: 3095-AA06

3693. CREATION AND MAINTENANCE OF FEDERAL RECORDS

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

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 the guidance on personal papers and adds

a requirement for agencies to protect against the removal of Federal records by issuing written procedures for removal of nonrecord and personal materials.

Timetable:

Action	Date	FR Cite
NPRM	04/00/99	
NPRM Comment Period End	06/00/99	
Final Action	06/00/99	
Final Action Effective	07/00/99	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

Agency Contact: Michael Miller, Director, Modern Records Programs, National Archives and Records Administration, The National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001

Phone: 301 713-7110

Fax: 301 713-6850

Email: michael.miller@arch2.nara.gov

RIN: 3095-AA61

3694. 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	04/00/99	

Action	Date	FR Cite
NPRM Comment Period End	06/00/99	
Final Action	06/00/99	
Final Action Effective	07/00/99	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Federal

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

Phone: 301 713-7360

Fax: 301 713-7270

Email: nancy.allard@arch2.nara.gov

RIN: 3095-AA67

3695. 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	05/00/99	
NPRM Comment Period End	07/00/99	
Final Action	08/00/99	
Final Action Effective	09/00/99	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Christopher Runkel, Deputy General Counsel, National

NARA

Proposed Rule Stage

Archives and Records Administration,
8601 Adelphi Road, College Park, MD
20740-6001

Phone: 301 713-6025

Fax: 301 713-6040

Email:

christopher.runkel@arch2.nara.gov

RIN: 3095-AA72

3696. 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	10/00/99	
NPRM Comment Period End	12/00/99	
Final Action	01/00/00	
Final Action Effective	02/00/00	

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: State,
Local, Federal

Agency Contact: Christopher M.
Runkel, Deputy General Counsel,
National Archives and Records
Administration, 8601 Adelphi Road,
College Park, MD 20740-6001

Phone: 301 713-6025

Fax: 301 713-6040

Email:

christopher.runkel@arch2.nara.gov

RIN: 3095-AA75

3697. 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	04/00/99	
NPRM Comment Period End	06/00/99	
Final Action	07/00/99	
Final Action Effective	08/00/99	

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: Federal

Agency Contact: Christopher M.
Runkel, Deputy General Counsel,
National Archives and Records
Administration, 8601 Adelphi Road,
College Park, MD 20740-6001

Phone: 301 713-6025

Fax: 301 713-6040

Email:

christopher.runkel@arch2.nara.gov

RIN: 3095-AA76

3698. 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; prescribes new physical security and fire detection and suppression standards; and establishes environmental and security requirements for new agency records centers.

Timetable:

Action	Date	FR Cite
NPRM	04/00/99	
NPRM Comment Period End	06/00/99	

Action	Date	FR Cite
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Final Action	08/00/99	
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Final Action Effective	10/01/99	
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Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Federal

Agency Contact: Nancy Allard,
Regulatory Contact, National Archives
and Records Administration, 8601
Adelphi Road (NPOL), College Park,
MD 20740-6001

Phone: 301 713-7360

Fax: 301 713-7270

Email: nancy.allard@arch2.nara.gov

RIN: 3095-AA81

3699. STORAGE OF FEDERAL RECORDS

Priority: Other Significant

Legal Authority: 44 USC 2907; 44 USC
3103

CFR Citation: 36 CFR 1220; 36 CFR
1222; 36 CFR 1228; 36 CFR 1236

Legal Deadline: None

Abstract: NARA's records center program will convert to a totally reimbursable program on October 1, 1999 (FY 2000). This regulation will update records management regulations relating to the storage of Federal records.

Timetable:

Action	Date	FR Cite
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NPRM	04/00/99	
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NPRM Comment Period End	06/00/99	
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Final Action	08/00/99	
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Final Action Effective	10/01/99	
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Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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

Phone: 301 713-7360

Fax: 301 713-7270

Email: nancy.allard@arch2.nara.gov

RIN: 3095-AA86

3700. NARA REPRODUCTION FEES

Priority: Substantive, Nonsignificant

Legal Authority: 44 USC 2104 (a); 44
USC 2118 (c)

NARA

Proposed Rule Stage

CFR Citation: 36 CFR 1258

Legal Deadline: None

Abstract: NARA proposes to revise its schedule of fees for reproduction of records created by other Federal agencies and transferred to the custody of the Archivist of the United States; donated historical materials; Presidential records and Presidential historical materials transferred to the custody of the Archivist; and records filed with the Office of the Federal Register. The fees are being changed to reflect current costs of providing the reproductions. This rule will affect members of the public and Federal agencies who order reproductions from NARA.

Timetable:

Action	Date	FR Cite
NPRM	06/00/99	
NPRM Comment Period End	08/00/99	
Final Action	09/00/99	
Final Action Effective	10/00/99	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Kathryn Yeager, Management and Program Analyst, National Archives and Records Administration, 8601 Adelphi Road (NAT), College Park, MD 20740-6001
Phone: 301 713-6405
Fax: 301 713-7311
Email: kathryn.yeager@arch2.nara.gov
RIN: 3095-AA87

3701. STANDARDS FOR AGENCY RECORDKEEPING REQUIREMENTS

Priority: Other Significant

Legal Authority: 44 USC 2904; 44 USC 2905; 44 USC 3101; 44 USC 3102; 44 USC 3303

CFR Citation: 36 CFR 1220; 36 CFR 1222; 36 CFR 1228; 36 CFR 1234

Legal Deadline: None

Abstract: This regulation expands the current emphasis on electronic mail records to records created with all office automation applications, clarifies

the records management requirements for electronic records maintained by contractors, and addresses records generated or received using newer electronic technologies.

Timetable:

Action	Date	FR Cite
NPRM	06/00/99	
NPRM Comment Period End	08/00/99	
Final Action	09/00/99	
Final Action Effective	10/00/99	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michael Miller, Director, Modern Records Programs, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001
Phone: 301 713-7110
Fax: 301 713-6805
Email: michael.miller@arch2.nara.gov
RIN: 3095-AA88

3702. • NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Priority: Substantive, Nonsignificant

Legal Authority: 20 USC 1681; 20 USC 1682; 20 USC 1683; 20 USC 1685; 20 USC 1686; 20 USC 1687; 20 USC 1688

CFR Citation: 36 CFR 1211

Legal Deadline: None

Abstract: NARA is joining with other Federal agencies to issue a common rule that provides the enforcement of Title IX of the Education Amendments of 1972, as amended. Title IX prohibits discrimination on the basis of sex in education programs or activities that receive Federal financial assistance. The regulation will apply to NARA's National Historical Publications and Records Commission grant programs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/99	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: State, Local, Tribal

Agency Contact: Nancy Allard, Regulatory Contact, National Archives and Records Administration, 8601 Adelphi Road, NPOL, Room 4100, College Park, MD 20740-6001
Phone: 301 713-7360
Fax: 301 713-7270
Email: nancy.allard@arch2.nara.gov

RIN: 3095-AA89

3703. • STORAGE STANDARDS FOR ARCHIVAL RECORDS

Priority: Other Significant

Legal Authority: 44 USC 2104 (a); 44 USC 2110

CFR Citation: 36 CFR 1290

Legal Deadline: None

Abstract: NARA intends to issue regulations that specify the preservation requirements for storage areas where archival records are stored. These requirements will address environmental controls, and other measures needed to ensure the long-term preservation of archival records. This regulation will apply to new NARA archival facilities.

Timetable:

Action	Date	FR Cite
NPRM	04/00/99	
NPRM Comment Period End	06/00/99	
Final Action	07/00/99	
Final Action Effective	07/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Nancy Allard, Regulatory Contact, National Archives and Records Administration, 8601 Adelphi Road, NPOL, Room 4100, College Park, MD 20740-6001
Phone: 301 713-7360
Fax: 301 713-7270
Email: nancy.allard@arch2.nara.gov

RIN: 3095-AA90

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Final Rule Stage

3704. 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; to revise the list of equipment permitted in research rooms; and to revise provisions relating to private microfilming projects.

Timetable:

Action	Date	FR Cite
NPRM	08/11/98	63 FR 42776
NPRM Comment Period End	10/13/98	
Final Action	04/00/99	
Final Action Effective	05/00/99	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Nancy Allard, Regulatory Contact, Policy & Communications Staff, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001

Phone: 301 713-7360

Fax: 301 713-7270

Email: nancy.allard@arch2.nara.gov

RIN: 3095-AA69**3705. 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	07/00/99	
Final Action Effective	08/00/99	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal

Agency Contact: Christopher M. Runkel, Deputy General Counsel, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001

Phone: 301 713-6025

Fax: 301 713-6040

Email:

christopher.runkel@arch2.nara.gov

RIN: 3095-AA77**3706. PRESIDENTIAL LIBRARY FACILITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 44 USC 2104(a); 44 USC 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:

Action	Date	FR Cite
NPRM	08/25/98	63 FR 45203
NPRM Comment Period End	10/26/98	

Action	Date	FR Cite
Final Action	04/00/99	
Final Action Effective	05/00/99	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

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

Phone: 301 713-7360

Fax: 301 713-7270

Email: nancy.allard@arch2.nara.gov

RIN: 3095-AA82**3707. • NIXON PRESIDENTIAL MATERIALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 44 USC 2104; 44 USC 2111**CFR Citation:** 36 CFR 1275**Legal Deadline:** None

Abstract: The regulation is being amended to reflect the decision of the U.S. Court of Appeals that the private and personal segments of the original tape recordings must be returned to the Nixon estate.

Timetable:

Action	Date	FR Cite
Final Action	04/00/99	
Final Action Effective	04/00/99	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Nancy Allard, Regulatory Contact, National Archives and Records Administration, 8601 Adelphi Road, NPOL, Room 4100, College Park, MD 20740-6001

Phone: 301 713-7360

Fax: 301 713-7270

Email: nancy.allard@arch2.nara.gov

RIN: 3095-AA91

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Long-Term Actions

3708. 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	

Action	Date	FR Cite
Interim Final Rule	10/28/97	
Comment Period End		
Next Action	Undetermined	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** State, Local, Tribal, Federal**Agency Contact:** Nancy Allard, Regulatory Contact, National Archives and Records Administration, Policy and Communications Staff (NPOL), 8601 Adelphi Road, College Park, MD 20740-6001
Phone: 301 713-7360
Fax: 301 713-7270**RIN:** 3095-AA78

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Completed Actions

3709. RECORDS SERVICES CENTERS**Priority:** Substantive, Nonsignificant**CFR Citation:** 36 CFR 1228**Completed:**

Reason	Date	FR Cite
Withdrawn - Provisions Incorporated In RIN 3095-AA86	02/02/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Agency Contact:** Gregory A. Pomicter
Phone: 301 713-7210

Fax: 301 713-7205

Email: gregory.pomicter@arch2.nara.gov

RIN: 3095-AA27**Completed:**

Reason	Date	FR Cite
Final Action	12/21/98	63 FR 70342
Final Action Effective	01/21/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Christopher Runkel
Phone: 301 713-6025

Fax: 301 713-6040

Email:

christopher.runkel@arch2.nara.gov

RIN: 3095-AA66**3711. STORAGE OF NONPAPER RECORDS AND ARTIFACTS****Priority:** Other Significant**CFR Citation:** 36 CFR 1228; 36 CFR 1230; 36 CFR 1232; 36 CFR 1234**Completed:**

Reason	Date	FR Cite
Withdrawn - Determined unnecessary to issue a regulation	02/02/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Agency Contact:** Nancy Allard

Phone: 301 713-7360

Fax: 301 713-7270

Email: nancy.allard@arch2.nara.gov

RIN: 3095-AA80

[FR Doc. 99-4904 Filed 04-23-99; 8:45 am]

BILLING CODE 7515-05-F**3710. NARA PRIVACY ACT****Priority:** Info./Admin./Other**CFR Citation:** 36 CFR 1202