



# Federal Register

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**Monday,  
April 24, 2000**

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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 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 1999. 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 13, 2000. 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 Planning Staff, (301) 713-7360, ext. 226.

**Dated:** February 24, 2000.

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

**National Archives and Records Administration—Proposed Rule Stage**

Sequence Number	Title	Regulation Identification Number
3620	NARA Facilities .....	3095-AA06
3621	Records Declassification .....	3095-AA67
3622	NARA Freedom of Information Act Regulations .....	3095-AA72
3623	Limitations on Testimony by NARA Employees .....	3095-AA75
3624	Collection of Debts Owed to the United States by NARA Employees .....	3095-AA76
3625	NARA Reproduction Fees .....	3095-AA87
3626	Standards for Agency Recordkeeping Requirements .....	3095-AA88
3627	Storage Standards for Archival Records .....	3095-AA90
3628	National Historical Publications and Records Commission Grant Regulations .....	3095-AA93
3629	Elimination of Requirement to Rewind Computer Tapes .....	3095-AA94
3630	Location of NARA Facilities and Hours of Use .....	3095-AA98
3631	Privacy Act .....	3095-AA99

**National Archives and Records Administration—Final Rule Stage**

Sequence Number	Title	Regulation Identification Number
3632	Debt Collection .....	3095-AA77
3633	Presidential Library Facilities .....	3095-AA82
3634	Implementation of OMB Circular A-110, Section 36 .....	3095-AA96

**National Archives and Records Administration—Long-Term Actions**

Sequence Number	Title	Regulation Identification Number
3635	Creation and Maintenance of Federal Records .....	3095-AA61
3636	Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting From Federal Financial Assistance .....	3095-AA89

**National Archives and Records Administration—Completed Actions**

Sequence Number	Title	Regulation Identification Number
3637	Agency Records Centers .....	3095-AA81
3638	Storage of Federal Records .....	3095-AA86

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

## Proposed Rule Stage

**3620. 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	03/23/00	65 FR 15592
NPRM Comment Period End	05/22/00	
Final Action	06/00/00	
Final Action Effective	07/00/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Nancy Allard, Regulatory Contact, National Archives and Records Administration, Room 4100, NPLN, 8601 Adelphi Road, College Park, MD 20740-6001  
Phone: 301 713-7360  
Email: nancy.allard@arch2.nara.gov**RIN:** 3095-AA06**3621. 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 is revising 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	02/17/00	65 FR 8077
NPRM Comment Period End	04/17/00	
Final Action	05/00/00	
Final Action Effective	06/00/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal**Agency Contact:** Nancy Allard, Regulatory Contact, National Archives and Records Administration, Room 4100, NPLN, 8601 Adelphi Road, College Park, MD 20740-6001  
Phone: 301 713-7360  
Email: nancy.allard@arch2.nara.gov**RIN:** 3095-AA67**3622. NARA FREEDOM OF INFORMATION ACT REGULATIONS****Priority:** Substantive, Nonsignificant**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	04/00/00	
NPRM Comment Period End	06/00/00	
Final Action	07/00/00	
Final Action Effective	08/00/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**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  
Email: christopher.runkel@arch2.nara.gov**RIN:** 3095-AA72**3623. LIMITATIONS ON TESTIMONY BY NARA EMPLOYEES****Priority:** Substantive, Nonsignificant**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	09/00/00	
NPRM Comment Period End	11/00/00	
Final Action	12/00/00	
Final Action Effective	01/00/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal, State, Local**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  
Email: christopher.runkel@arch2.nara.gov**RIN:** 3095-AA75**3624. COLLECTION OF DEBTS OWED TO THE UNITED STATES BY NARA EMPLOYEES****Priority:** Substantive, Nonsignificant**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	06/00/00	
NPRM Comment Period End	08/00/00	
Final Action	09/00/00	
Final Action Effective	10/00/00	

**Regulatory Flexibility Analysis****Required:** No

## NARA

## Proposed Rule Stage

**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  
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**RIN:** 3095-AA76

**3625. NARA REPRODUCTION FEES**

**Priority:** Substantive, Nonsignificant

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

**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	04/00/00	
NPRM Comment Period End	06/00/00	
Final Action	07/00/00	
Final Action Effective	07/00/00	

**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  
Email: kathryn.yeager@arch2.nara.gov

**RIN:** 3095-AA87

**3626. 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	08/00/00	
NPRM Comment Period End	10/00/00	
Final Action	12/00/00	
Final Action Effective	01/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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

**RIN:** 3095-AA88

**3627. 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 and affiliated archives.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/00	
NPRM Comment Period End	07/00/00	
Final Action	09/00/00	
Final Action Effective	10/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal, State, Local, Tribal

**Agency Contact:** Nancy Allard, Regulatory Contact, National Archives and Records Administration, Room 4100, NPLN, 8601 Adelphi Road, College Park, MD 20740-6001  
Phone: 301 713-7360  
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**RIN:** 3095-AA90

**3628. NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION GRANT REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 44 USC 2104(a); 44 USC 2504

**CFR Citation:** 36 CFR 1206

**Legal Deadline:** None

**Abstract:** To rewrite the regulations into plain language and to make other updates and clarifications.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local, Tribal

**Federalism:** Undetermined

**Agency Contact:** Nancy Copp, Management and Program Analyst, National Archives and Records Administration, 700 Pennsylvania Avenue, NW, Room 111, Washington, DC 20408-0001  
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Fax: 202 501-5601  
Email: nancy.copp@arch1.nara.gov

**RIN:** 3095-AA93

## NARA

## Proposed Rule Stage

**3629. ELIMINATION OF REQUIREMENT TO REWIND COMPUTER TAPES****Priority:** Substantive, Nonsignificant**Legal Authority:** 44 USC 2104a; 44 USC 2904c**CFR Citation:** 36 CFR 1234.30(g)(3)**Legal Deadline:** None

**Abstract:** This rule eliminates the requirement for Federal agencies to rewind under controlled tension all tapes containing unscheduled or permanent records every 3 and 1/2 years. 36 CFR 1234.28 requires that, "[a]gencies shall rewind under controlled tension all tapes containing unscheduled and permanent records every 3 and 1/2 years." This requirement originally concerned open-reel tapes. After tape cartridges became commonplace, computer centers generally did not periodically rewind cartridges. In addition, recent electrical engineering studies have questioned whether open-reel tapes should be periodically rewound. The process of rewinding tapes may actually harm them, and would outweigh the benefits associated with storing tapes rewound under controlled tension.

**Timetable:**

Action	Date	FR Cite
NPRM	02/03/00	65 FR 5295
NPRM Comment Period End	04/03/00	
Final Action	05/00/00	
Final Action Effective	06/00/00	

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

**Agency Contact:** Nancy Allard, Regulatory Contact, National Archives and Records Administration, Room 4100, NPLN, 8601 Adelphi Road, College Park, MD 20740-6001  
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Email: nancy.allard@arch2.nara.gov

**RIN:** 3095-AA94**3630. • LOCATION OF NARA FACILITIES AND HOURS OF USE****Priority:** Info./Admin./Other**Legal Authority:** 44 USC 2104 (a)**CFR Citation:** 36 CFR 1253**Legal Deadline:** None

**Abstract:** NARA is updating the addresses of its facilities and the hours they are open to the public.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	
NPRM Comment Period End	05/00/00	
Final Action	06/00/00	
Final Action Effective	07/00/00	

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

**Agency Contact:** Nancy Allard, Regulatory Contact, National Archives and Records Administration, Room

4100, NPLN, 8601 Adelphi Road, College Park, MD 20740-6001  
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**RIN:** 3095-AA98**3631. • PRIVACY ACT****Priority:** Substantive, Nonsignificant**Legal Authority:** 44 USC 2104(a); 5 USC 552a**CFR Citation:** 36 CFR 1202**Legal Deadline:** None

**Abstract:** NARA is revising its Privacy Act regulations to put them in plain language. No substantive changes will be made.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	
NPRM Comment Period End	05/00/00	
Final Action	06/00/00	
Final Action Effective	07/00/00	

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

**Agency Contact:** Nancy Allard, Regulatory Contact, National Archives and Records Administration, Room 4100, NPLN, 8601 Adelphi Road, College Park, MD 20740-6001  
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**RIN:** 3095-AA99

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

## Final Rule Stage

**3632. DEBT COLLECTION****Priority:** Substantive, Nonsignificant**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	05/00/00	
Final Action Effective	06/00/00	

**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  
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christopher.runkel@arch2.nara.gov

**RIN:** 3095-AA77**3633. 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

## NARA

## Final Rule Stage

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	
Final Action	08/00/00	
Final Action Effective	09/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Nancy Allard, Regulatory Contact, National Archives and Records Administration, Room

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Email: nancy.allard@arch2.nara.gov  
**RIN:** 3095-AA82

**3634. • IMPLEMENTATION OF OMB CIRCULAR A-110, SECTION 36**

**Priority:** Other Significant

**Legal Authority:** 5 USC 301

**CFR Citation:** 36 CFR 1210

**Legal Deadline:** None

**Abstract:** This rule will incorporate the provisions of OMB Circular A-110, section 36 regarding the availability of data produced under an award through the Freedom of Information Act (FOIA) into our NHPRC grants administration regulation at 36 CFR part 1210.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/16/00	65 FR 14406
Interim Final Rule Comment Period End	05/15/00	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Local, State, Federal

**Federalism:** Undetermined

**Agency Contact:** Nancy Allard, Regulatory Contact, National Archives and Records Administration, Room 4100, NPLN, 8601 Adelphi Road, College Park, MD 20740-6001  
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**RIN:** 3095-AA96

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

## Long-Term Actions

**3635. CREATION AND MAINTENANCE OF FEDERAL RECORDS**

**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 regulation 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:** Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Marie Allen, Director, Lifecycle Management Division, National Archives and Records Administration, Room 2200, NWML,

8601 Adelphi Road, College Park, MD 20740-6001  
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Email: marie.allen@arch2.nara.gov

**RIN:** 3095-AA61

**3636. 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	10/29/99	64 FR 58568
NPRM Comment Period End	12/28/99	
Next Action	Undetermined	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** State, Local, Tribal

**Agency Contact:** Nancy Allard, Regulatory Contact, National Archives and Records Administration, Room 4100, NPLN, 8601 Adelphi Road, College Park, MD 20740-6001  
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**RIN:** 3095-AA89

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

## Completed Actions

**3637. AGENCY RECORDS CENTERS****Priority:** Other Significant**CFR Citation:** 36 CFR 1228**Completed:**

Reason	Date	FR Cite
Final Rule; Request for Comments on Waiver Sections	12/02/99	64 FR 67633
Final Rule Effective	01/03/00	
Comment Period End on Waiver Sections	01/31/00	
Final Action on Waiver Sections Effective	03/02/00	

**Regulatory Flexibility Analysis****Required:** Yes**Government Levels Affected:** Federal**Agency Contact:** Nancy Allard

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**RIN:** 3095-AA81**3638. STORAGE OF FEDERAL RECORDS****Priority:** Other Significant**CFR Citation:** 36 CFR 1220; 36 CFR 1222; 36 CFR 1228; 36 CFR 1236**Completed:**

Reason	Date	FR Cite
Final Action	12/02/99	64 FR 67662
Final Action Effective	01/03/00	

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

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**RIN:** 3095-AA86

[FR Doc. 00-5304 Filed 04-21-00; 8:45 am]

**BILLING CODE** 7515-05-F