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Part XXIX

**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 2001. 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 10, 2001. 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."

This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions includes The Regulatory Plan, which appears in part II of this issue of the **Federal Register**. NARA's Statement of Regulatory Priorities is included in part II.

FOR FURTHER INFORMATION CONTACT: Nancy Allard, Regulatory Contact, Policy and Communications Staff, (301) 713-7360, ext. 226.

Dated: September 13, 2001.

John W. Carlin,
Archivist of the United States.

National Archives and Records Administration—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3841	Records Management; Electronic Text Documents	3095-AB05

National Archives and Records Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3842	National Historical Publications and Records Commission Grant Regulations	3095-AA93
3843	Research Room Procedures	3095-AB01
3844	Expanding Transfer Options for Electronic Records	3095-AB03
3845	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)	3095-AB04
3846	Micrographic Records Management	3095-AB06
3847	Nixon Presidential Materials; Reproduction	3095-AB07
3848	NARA Facilities; Addresses and Hours	3095-AB08
3849	Nondiscrimination in Federally Assisted Programs—Implementation of Title VI of the Civil Rights Act of 1964	3095-AB09
3850	Revision of NARA Research Room Procedures	3095-AB10
3851	Restrictions on the Use of Records	3095-AB11
3852	NARA Official Seals	3095-AB12

National Archives and Records Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3853	Debt Collection	3095-AA77
3854	Presidential Library Facilities	3095-AA82
3855	Implementation of OMB Circular A-110, Section 36	3095-AA96
3856	Privacy Act	3095-AA99
3857	Records Disposition	3095-AB02

NARA

National Archives and Records Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
3858	Limitations on Testimony by NARA Employees	3095-AA75

National Archives and Records Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
3859	Creation and Maintenance of Federal Records	3095-AA61

National Archives and Records Administration (NARA)

Prerule Stage

3841. RECORDS MANAGEMENT; ELECTRONIC TEXT DOCUMENTS

Priority: Other Significant

Legal Authority: 44 USC 2104(a)

CFR Citation: 36 CFR 1234

Legal Deadline: None

Abstract: NARA will seek Federal agency and public comment concerning the management, scheduling and

preservation of text documents created in electronic form.

Timetable:

Action	Date	FR Cite
ANPRM	10/10/01	66 FR 45140
ANPRM Comment Period End	01/08/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 3095-AB05

National Archives and Records Administration (NARA)

Proposed Rule Stage

3842. 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: NARA intends to rewrite the regulations into plain language and to make other updates and clarifications.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	
NPRM Comment Period End	02/00/02	
Final Action	03/00/02	
Final Action Effective	04/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local, Tribal

Federalism: Undetermined

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RIN: 3095-AA93

3843. RESEARCH ROOM PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: 44 USC 2101 to 2118

CFR Citation: 36 CFR 1254.6

Legal Deadline: None

Abstract: NARA proposes to amend its regulations on use of NARA research rooms to add to policy on use of public access personal computers (workstations) in the research rooms. We are also clarifying that, in research rooms where the plastic researcher

identification card is also used with the facility's security system, we will issue a plastic card to researchers who have a paper card from another NARA facility. This proposed rule will affect researchers who use NARA research facilities nationwide.

Timetable:

Action	Date	FR Cite
NPRM	09/07/01	66 FR 46752
NPRM Comment Period End	11/06/01	
Final Action	12/00/01	
Final Action Effective	01/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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NARA

Proposed Rule Stage

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RIN: 3095-AB01

3844. EXPANDING TRANSFER OPTIONS FOR ELECTRONIC RECORDS

Priority: Other Significant

Legal Authority: 44 USC 2104(a)

CFR Citation: 36 CFR 1228.270

Legal Deadline: None

Abstract: For agencies transferring electronic records to the National Archives of the United States, this rule would add certain magnetic tape cartridges with a storage capacity of up to 40GB to the list of acceptable transfer media. In addition, media-less transfer using File Transfer Protocol and the Internet will be added as an acceptable transfer mechanism.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	
NPRM Comment Period End	02/00/02	
Final Action	03/00/02	
Final Action Effective	04/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 3095-AB03

3845. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

Priority: Other Significant

Legal Authority: 44 USC 2104(a); EO 12549; EO 12698; 31 USC 6101 note

CFR Citation: 36 CFR 1209; 36 CFR 1211

Legal Deadline: None

Abstract: This rule will modify the Governmentwide nonprocurement common rule for debarment and suspension and the Governmentwide

rule implementing the Drug-Free Workplace Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local

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RIN: 3095-AB04

3846. • MICROGRAPHIC RECORDS MANAGEMENT

Priority: Other Significant

Legal Authority: 44 USC 2907; 44 USC 3302; 44 USC 3312

CFR Citation: 36 CFR 1230

Legal Deadline: None

Abstract: This rulemaking updates the micrographic industry standards incorporated by reference and rewrites the regulation in plain language.

Timetable:

Action	Date	FR Cite
NPRM	09/11/01	66 FR 47125
NPRM Comment Period End	11/13/01	
Final Action	12/00/01	
Final Action Effective	01/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 3095-AB06

3847. • NIXON PRESIDENTIAL MATERIALS; REPRODUCTION

Priority: Substantive, Nonsignificant

Legal Authority: 44 USC 2104(a); 44 USC 2111 Note

CFR Citation: 36 CFR 1275

Legal Deadline: None

Abstract: NARA is updating regulations affecting research use of the Nixon Presidential Materials in NARA custody to reflect a change in the 1996 Nixon Tapes Settlement Agreement. Beginning April 20, 2001, NARA may make available for sale and copying all tape recordings of conversations from the Nixon Presidency that have been released.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	
NPRM Comment Period End	02/00/02	
Final Action	03/00/02	
Final Action Effective	04/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Nancy Allard, Regulatory Contact, National Archives and Records Administration, Room 4100, NPOL, 8601 Adelphi Road, College Park, MD 20740-6001
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RIN: 3095-AB07

3848. • NARA FACILITIES; ADDRESSES AND HOURS

Priority: Substantive, Nonsignificant

Legal Authority: 44 USC 2104(a)

CFR Citation: 36 CFR 1253

Legal Deadline: None

Abstract: NARA is updating addresses and hours of operations for its nationwide facilities.

Timetable:

Action	Date	FR Cite
NPRM	01/00/02	
NPRM Comment Period End	03/00/02	
Final Action	04/00/02	
Final Action Effective	05/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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RIN: 3095-AB08

NARA

Proposed Rule Stage

3849. • NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS—IMPLEMENTATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**Priority:** Other Significant**Legal Authority:** 44 USC 2104(a); 42 USC 2000d to 2000d-7; EO 12250**CFR Citation:** 36 CFR 1213**Legal Deadline:** None

Abstract: NARA is adopting Governmentwide regulations on nondiscrimination on the grounds of race, color, or national origin in any program or activity receiving Federal financial assistance from NARA. These regulations will affect the National Historical Publications and Records Commission grant program.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	
NPRM Comment Period End	02/00/02	
Final Action	03/00/02	
Final Action Effective	04/00/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** State, Local**Federalism:** Undetermined

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RIN: 3095-AB09**3850. • REVISION OF NARA RESEARCH ROOM PROCEDURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 44 USC 2104(a)**CFR Citation:** 36 CFR 1254**Legal Deadline:** None

Abstract: NARA is updating and revising in plain language its regulations concerning use of records and donated historical materials in NARA research rooms.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	
NPRM Comment Period End	02/00/02	
Final Action	03/00/02	
Final Action Effective	04/00/02	

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

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RIN: 3095-AB10**3851. • RESTRICTIONS ON THE USE OF RECORDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 44 USC 2101 to 2118; 22 USC 1461(b)**CFR Citation:** 36 CFR 1256**Legal Deadline:** None

Abstract: NARA is updating and rewriting in plain language its regulations on statutory and other restrictions on access to archival records and donated historical materials transferred to the National Archives of the United States.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	
NPRM Comment Period End	02/00/02	
Final Action	03/00/02	
Final Action Effective	04/00/02	

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

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RIN: 3095-AB11**3852. • NARA OFFICIAL SEALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 44 USC 2104(e); 44 USC 2116(b); 44 USC 2302**CFR Citation:** 36 CFR 1200**Legal Deadline:** None

Abstract: NARA is reviewing its regulation on its official seals and how they may be used. The regulations will be rewritten in plain language.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	
NPRM Comment Period End	02/00/02	
Final Action	03/00/02	
Final Action Effective	04/00/02	

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

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RIN: 3095-AB12

National Archives and Records Administration (NARA)

Final Rule Stage

3853. DEBT COLLECTION**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 5514; 31 USC 3701 to 3719**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 Department of the Treasury and Department of Justice.

NARA

Final Rule Stage

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/01	
Interim Final Rule Effective	02/00/02	
Interim Final Rule Comment Period End	03/00/02	
Final Action	04/00/02	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Additional Information:** Merged with 3095-AA76, Collection of Debts Owed to the United States by NARA Employees**Agency Contact:** Christopher M. Runkel, Deputy General Counsel, National Archives and Records Administration, Room 3110, NGC, 8601 Adelphi Road, College Park, MD 20740-6001

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RIN: 3095-AA77**3854. 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	
Final Action	12/00/01	
Final Action Effective	01/00/02	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Nancy Allard, Regulatory Contact, National Archives and Records Administration, Room4100, NPOL, 8601 Adelphi Road, College Park, MD 20740-6001
Phone: 301 713-7360
Email: nancy.allard@nara.gov**RIN:** 3095-AA82**3855. 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	
Final Action	12/00/01	
Final Action Effective	01/00/02	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** State, Local, Federal**Federalism:** Undetermined**Agency Contact:** Nancy Allard, Regulatory Contact, National Archives and Records Administration, Room 4100, NPOL, 8601 Adelphi Road, College Park, MD 20740-6001
Phone: 301 713-7360
Email: nancy.allard@nara.gov**RIN:** 3095-AA96**3856. 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	06/05/01	66 FR 30134
NPRM Comment Period End	08/06/01	

Action	Date	FR Cite
Final Action	12/00/01	
Final Action Effective	01/00/02	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Nancy Allard, Regulatory Contact, National Archives and Records Administration, Room 4100, NPOL, 8601 Adelphi Road, College Park, MD 20740-6001
Phone: 301 713-7360
Email: nancy.allard@nara.gov**RIN:** 3095-AA99**3857. RECORDS DISPOSITION****Priority:** Substantive, Nonsignificant**Legal Authority:** 44 USC ch 5; 44 USC ch 21; 44 USC ch 29; 44 USC ch 33**CFR Citation:** 36 CFR 1228.32; 36 CFR 1228.42; 36 CFR 1228.50; 36 CFR 1228.106; 36 CFR 1232.20; 36 CFR 1232.32; 36 CFR 1220; 36 CFR 1228; 36 CFR 1232; 36 CFR 1234; 36 CFR 1236**Legal Deadline:** None**Abstract:** This rule will update the procedures for Federal agencies' submission of printed or published records schedules to NARA; modify the applicability of new General Records Schedule items to records previously scheduled by individual agencies, and make corrections to cross-references.**Timetable:****Changes in Disposition Procedures**

NPRM 07/17/01 (66 FR 37202)

NPRM Comment Period End 09/17/01

Final Action 12/00/01

Final Action Effective 01/00/02

Technical Corrections

Final Action 05/16/01 (66 FR 27026)

Final Action Effective 06/15/01

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, NPOL, 8601 Adelphi Road, College Park, MD 20740-6001
Phone: 301 713-7360
Email: nancy.allard@nara.gov**RIN:** 3095-AB02

National Archives and Records Administration (NARA)

Long-Term Actions

3858. LIMITATIONS ON TESTIMONY BY NARA EMPLOYEES**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 44 USC 2104; 44 USC 2108; 44 USC 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	To Be	Determined

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** State, Local, Federal**Agency Contact:** Christopher M. Runkel, Deputy General Counsel, National Archives and Records Administration, Room 3110, NGC, 8601 Adelphi Road, College Park, MD 20740-6001

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RIN: 3095-AA75

National Archives and Records Administration (NARA)

Completed Actions

3859. CREATION AND MAINTENANCE OF FEDERAL RECORDS**Priority:** Other Significant**CFR Citation:** 36 CFR 1222**Completed:**

Reason	Date	FR Cite
Withdrawn	08/10/01	

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

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RIN: 3095-AA61

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