



# Federal Register

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**Thursday,  
November 30, 2000**

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**Part XXIX**

**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:** Regulatory plan and 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 2000. 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 29, 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."

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

**Dated:** August 25, 2000.  
**John W. Carlin,**  
*Archivist of the United States.*

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

Sequence Number	Title	Regulation Identification Number
3999	NARA Freedom of Information Act Regulations .....	3095-AA72
4000	Collection of Debts Owed to the United States by NARA Employees .....	3095-AA76
4001	Storage Standards for Archival Records .....	3095-AA90
4002	National Historical Publications and Records Commission Grant Regulations .....	3095-AA93
4003	Privacy Act .....	3095-AA99
4004	Research Room Procedures: Replacement of Researcher Card .....	3095-AB01
4005	Records Disposition .....	3095-AB02
4006	Expanding Transfer Options for Electronic Records .....	3095-AB03

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

Sequence Number	Title	Regulation Identification Number
4007	Presidential Library Facilities .....	3095-AA82
4008	Implementation of OMB Circular A-110, Section 36 .....	3095-AA96

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

Sequence Number	Title	Regulation Identification Number
4009	Creation and Maintenance of Federal Records .....	3095-AA61
4010	Limitations on Testimony by NARA Employees .....	3095-AA75
4011	Debt Collection .....	3095-AA77

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

Sequence Number	Title	Regulation Identification Number
4012	NARA Facilities .....	3095-AA06
4013	Records Declassification .....	3095-AA67
4014	NARA Reproduction Fees .....	3095-AA87
4015	Standards for Agency Recordkeeping Requirements .....	3095-AA88
4016	Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting From Federal Financial Assistance .....	3095-AA89

**NARA**

National Archives and Records Administration—Completed Actions (Continued)

Sequence Number	Title	Regulation Identification Number
4017	Elimination of Requirement to Rewind Computer Tapes .....	3095-AA94
4018	Location of NARA Facilities and Hours of Use .....	3095-AA98
4019	John F. Kennedy Assassination Records Collection Rules .....	3095-AB00

**National Archives and Records Administration (NARA)**

**Proposed Rule Stage**

**3999. 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	08/23/00	65 FR 51270
NPRM Comment Period End	10/23/00	
Final Action	11/00/00	
Final Action Effective	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 3095-AA72

**4000. COLLECTION OF DEBTS OWED TO THE UNITED STATES BY NARA EMPLOYEES**

**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

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

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** 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-AA76

**4001. 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	10/00/00	
NPRM Comment Period End	12/00/00	
Final Action	01/00/01	
Final Action Effective	02/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

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

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**RIN:** 3095-AA90

**4002. 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	10/00/00	
NPRM Comment Period End	12/00/00	
Final Action	01/00/01	
Final Action Effective	02/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

## NARA

## Proposed Rule Stage

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

**Federalism:** Undetermined

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**RIN:** 3095-AA93

#### 4003. 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	10/00/00	
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:** None

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**RIN:** 3095-AA99

#### 4004. ● RESEARCH ROOM PROCEDURES: REPLACEMENT OF RESEARCHER CARD

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 44 USC 2101 to 2118

**CFR Citation:** 36 CFR 1254.6

**Legal Deadline:** None

**Abstract:** NARA proposes to charge researchers a fee for replacing a lost

researcher identification card after they have received their initial card and one free replacement card. This regulation will affect a very small percentage of NARA researchers.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3095-AB01

#### 4005. ● 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 1234.22(a)(4); 36 CFR 1234.24(b)(1)(VI); 36 CFR 1234.24(c); 36 CFR 1234.30(a)(4); 36 CFR 1234.34(b); ...

**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:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 3095-AB02

#### 4006. ● 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	08/00/01	
NPRM Comment Period End	10/00/01	
Final Action	11/00/01	
Final Action Effective	12/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 3095-AB03

## National Archives and Records Administration (NARA)

## Final Rule Stage

**4007. 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	10/00/00	
Final Action Effective	11/00/00	

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

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**RIN:** 3095-AA82**4008. 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	01/00/01	
Final Action Effective	02/00/01	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Local, State, Federal**Federalism:** Undetermined

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**RIN:** 3095-AA96

## National Archives and Records Administration (NARA)

## Long-Term Actions

**4009. 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

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**RIN:** 3095-AA61**4010. 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:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal, State, Local

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**RIN:** 3095-AA75**4011. 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 General Accounting Office and Department of Justice.

**Timetable:**

Action	Date	FR Cite
Final Action	To Be Determined	
Final Action Effective	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

## NARA

## Long-Term Actions

**Government Levels Affected:** Federal  
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 RIN: 3095-AA77

## National Archives and Records Administration (NARA)

## Completed Actions

**4012. NARA FACILITIES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 36 CFR 1280

**Completed:**

Reason	Date	FR Cite
Final Action	06/01/00	65 FR 34977
Correction	06/06/00	65 FR 35840
Final Action Effective	07/01/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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RIN: 3095-AA06

**4013. RECORDS DECLASSIFICATION**

**Priority:** Other Significant

**CFR Citation:** 36 CFR 1254; 36 CFR 1260

**Completed:**

Reason	Date	FR Cite
Final Action	06/01/00	65 FR 34973
Final Action Effective	07/01/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

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RIN: 3095-AA67

**4014. NARA REPRODUCTION FEES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 36 CFR 1258

**Completed:**

Reason	Date	FR Cite
NPRM	04/25/00	65 FR 24164
Final Action	10/13/00	65 FR 60862
Final Action Effective	11/13/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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RIN: 3095-AA87

**4015. STANDARDS FOR AGENCY RECORDKEEPING REQUIREMENTS**

**Priority:** Other Significant

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

**Completed:**

Reason	Date	FR Cite
Withdrawn	08/29/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

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RIN: 3095-AA88

**4016. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 36 CFR 1211

**Completed:**

Reason	Date	FR Cite
Final Action	08/30/00	65 FR 52858
Final Action Effective	09/29/00	

**Regulatory Flexibility Analysis**

**Required:** No

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

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RIN: 3095-AA89

**4017. ELIMINATION OF REQUIREMENT TO REWIND COMPUTER TAPES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 36 CFR 1234.30(g)(3)

**Completed:**

Reason	Date	FR Cite
Final Action	04/25/00	65 FR 24132
Final Action Effective	05/25/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

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RIN: 3095-AA94

**4018. LOCATION OF NARA FACILITIES AND HOURS OF USE**

**Priority:** Info./Admin./Other

**CFR Citation:** 36 CFR 1253

**Completed:**

Reason	Date	FR Cite
NPRM	05/08/00	65 FR 26542
Final Action	06/22/00	65 FR 38730
Final Action Effective	06/22/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Nancy Allard  
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RIN: 3095-AA98

**4019. • JOHN F. KENNEDY ASSASSINATION RECORDS COLLECTION RULES**

**Priority:** Info./Admin./Other

**Legal Authority:** 44 USC 2107

**CFR Citation:** 36 CFR 1290

**Legal Deadline:** None

**Abstract:** NARA is transferring regulations providing guidance for the interpretation and implementation of

## NARA

## Completed Actions

the John F. Kennedy Assassination Records Collection Act of 1992 from 36 CFR chapter XIV to chapter XII without substantive change. The Assassination Records Review Board that originally issued the regulations terminated on September 30, 1998, but NARA has determined that these regulations are still required to provide guidance to agencies.

**Timetable:**

Action	Date	FR Cite
Final Action	06/27/00	65 FR 39550
Final Action Effective	06/27/00	

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

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**RIN:** 3095-AB00

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