

please submit a comment (*see ADDRESSES*) explaining why you think it qualifies and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact LT Kevin Lynn, Project Manager for Eighth Coast Guard District Commander, Hale Boggs Federal Bldg., 501 Magazine Street, New Orleans, LA 70130, telephone (504) 589-6271.

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this proposed rule will not result in such expenditure, we discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of

Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that Order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We have analyzed this proposed rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded that there are no factors in this case that would limit the use of categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2-1 paragraph (34)(g), of the instruction, from further environmental documentation because this rule is not expected to result in any significant environmental impact as described in NEPA.

A draft "Environmental Analysis Check List" and a draft "Categorical Exclusion Determination" are available

in the docket where indicated under **ADDRESSES**. Comments on this section will be considered before we make the final decision on whether the rule should be categorically excluded from further environmental review.

List of Subjects in 33 CFR Part 147

Continental shelf, Marine safety, Navigation (water).

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 147 as follows:

PART 147—SAFETY ZONES

1. The authority citation for part 147 continues to read as follows:

Authority: 14 U.S.C. 85; 43 U.S.C. 1333; Department of Homeland Security Delegation No. 0170.1.

2. Add § 147.837 to read as follows:

§ 147.837 Marco Polo Tension Leg Platform safety zone.

(a) *Description.* Marco Polo Tension Leg Platform, Green Canyon 608 (GC 608), located at position 27°21'43.32" N, 90°10'53.01" W. The area within 500 meters (1640.4 feet) from each point on the structure's outer edge is a safety zone. These coordinates are based upon [NAD 83].

(b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

- (1) An attending vessel; or
- (2) A vessel under 100 feet in length overall not engaged in towing; or
- (3) A vessel authorized by the Commander, Eighth Coast Guard District.

Dated: February 26, 2004.

R.F. Duncan,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 04-5793 Filed 3-12-04; 8:45 am]

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NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Parts 1220, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1240, 1242, 1244, and 1246

RIN 3095-AB16

Federal Records Management; Proposed Regulatory Framework

AGENCY: National Archives and Records Administration (NARA).

ACTION: Advance notice of proposed rulemaking; request for comments.

SUMMARY: NARA is seeking comments from Federal agencies and the public on

our regulations for Federal records management. We are considering revising and reorganizing the existing regulations to make the regulations easier to read, understand, and use. A proposed table of contents for the revision, which includes parenthetical references to the current configuration of the regulations, is also provided for review and comment.

Dates: Submit comments on or before May 14, 2004.

ADDRESSES: NARA invites interested persons to submit comments on this ANPRM. Please include "Attn: 3095-AB16" and your name and mailing address in your comments. Comments may be submitted by any of the following methods:

- E-Mail: Send comments to comments@nara.gov. If you do not receive a confirmation that we have received your e-mail message, contact Cheryl Stadel-Bevans at 301-837-3021.

- Fax: Submit comments by facsimile transmission to 301-837-0319.

- Mail: Send comments to Regulations Comments Desk (NPOL), Room 4100, Policy and Communications Staff, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001.

- Hand Delivery or Courier: Deliver comments to 8601 Adelphi Road, College Park, MD.

- Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

FOR FURTHER INFORMATION CONTACT: Cheryl Stadel-Bevans at telephone number 301-837-3021 or fax number 301-837-0319.

SUPPLEMENTARY INFORMATION:

Background

NARA is concerned that the current Federal records management regulations do not reflect many of the recent changes in records management and, therefore, need updating to meet the challenges of a changing recordkeeping environment. We are considering revising the existing regulations to incorporate current standards and practices, such as new guidance on electronic recordkeeping and relevant portions of ISO 15489-1:2001, Records management—Part 1: General (ISO Records Management Standard).

In addition, we propose to restructure the regulations to better reflect the lifecycle of records, from creation through active agency use to disposition. We are considering consolidating all definitions under 36 CFR 1220; reorganizing the Parts of 36

CFR Chapter XII, Subchapter B, to more clearly reflect the lifecycle of records; and elevating subparts in the current 36 CFR 1228 to parts, for better emphasis. The regulations would also be re-written in accordance with plain language principles (such as using the question-style for the section headings) to make them easier to read, understand, and use.

Our goal is to make it easier for Federal agencies and records management contractors to follow our regulations. As part of the revision, we also intend to address the issues raised in the advance notice of proposed rulemaking, Records Management; Electronic Text Documents (RIN 3095-AB05) that was published October 10, 2001 (66 FR 51740).

More information about NARA's Redesign of Federal Records Management may be found online at http://www.archives.gov/records_management/initiatives/rm_redesign_project.html.

Questions for Comment

What do you think about this proposal? Do you agree that the current Federal records management regulations need revision? Which regulations do you think need updating, revision, or expansion? Are there other records management issues that NARA should address? If you think the NARA regulations need to be revised, are there any priority areas that should be addressed first? Will the proposed reorganization of 36 CFR chapter XII, subchapter B, make the regulations easier to use? Will consolidating definitions in one section be useful? How do you see the proposed revision affecting the records management programs of Federal agencies? Please specify what further changes you would like to see.

Dated: March 2, 2004.

Lewis J. Bellardo,

Deputy Archivist of the United States.

The following table of contents is a proposed outline for reorganizing the regulations for Federal records management and includes parenthetical references to the current configuration of the regulations. We attempted to lay out the regulations in a more serviceable order from the current structure. Please review and comment on the outline.

PART 1220—FEDERAL RECORDS, GENERAL

SEC.

- 1220.1 Scope of subchapter. [1220.1]
- 1220.2 Responsibility for records management programs. [1220.2]

Subpart A—General Provisions

- 1220.10 Authority. [1220.10]

- 1220.12 Applicability. [1220.12]

- 1220.14 Definitions. (all definitions in current CFR—add definition for trustworthy (*see* old 1234.26), authenticity, reliability, integrity (*see* old 1234.26(b)), usability, risk, and definitions from other sources as appropriate) [1220.14, 1222.12, 1228.226, 1230.4, 1232.10, 1234.2, 1236.14]

Subpart B—Agency Records Management Programs

- 1220.30 Authority. [1220.30]

- 1220.32 Program content. [1220.32]

- (a) Cooperation with NARA. [1220.32(a)]

- (b) Agency internal evaluation. [1220.42]

- (c) Compliance. [1220.32(b)]

- 1220.34 Creation of records. [1220.34]

- 1220.36 Maintenance and use of records. [1220.36]

- 1220.38 Disposition of records. [1220.38]

- 1220.40 Liaison offices. [1220.40]

PART 1222—CREATION AND MAINTENANCE OF FEDERAL RECORDS

Subpart A—General

Sec.

- 1222.10 Authority. [1222.10]

- 1222.12 Understanding what a Federal record is. [1222.12]

Subpart B—Program Requirements

- 1222.20 Agency responsibilities. [1222.20]

Subpart C—Agency Recordkeeping Requirements

- 1222.30 Purpose. [1222.30]

- 1222.32 General requirements. [1222.32]

- 1222.34 Identifying Federal records. [1222.34]

- 1222.36 Identifying personal papers. [1222.36]

- 1222.38 Recordkeeping requirements.

- (a) Categories of documentary materials. [1222.38]

- (b) Levels of recordkeeping requirements. [New]

- (1) Agency.

- (2) Program.

- (3) Series/system.

- 1222.40 Preventing the unauthorized removal of records. [1222.40]

- 1222.42 Authorizing the removal of nonrecord material. [1222.42]

- 1222.44 Records management directives. [1222.44]

- 1222.46 Recordkeeping requirements of other agencies. [1222.46]

- 1222.48 Contractor records. [1222.48]

- 1222.50 Records maintenance and storage. [1222.50]

PART 1223—MANAGEMENT OF VITAL RECORDS

Subpart A—General

Sec.

- 1223.10 Purpose. [1236.10]

- 1223.12 Authority. [1236.12]

Subpart B—Vital Records

- 1223.20 Program objectives. [1236.20]

- 1223.22 Identification. [1236.22]

- 1223.24 Use of vital records. [1236.24]

- 1223.26 Protection of vital records. [1236.26]

1223.28 Disposition of vital records.
[1236.28]

PART 1224—DISPOSITION OF FEDERAL RECORDS—GENERAL

Sec.
1224.1 Scope. [New—refer to 44 U.S.C. 3301 and 36 CFR 1222.12 (old) and 1222.34 (old)]
1224.10 Authority. [1228.10]
1224.12 Program elements. [1228.12]

PART 1225—SCHEDULING RECORDS

Sec.
1225.10 Authority. [1228.20]
1225.12 Developing records schedules. [1228.22]
1225.14 Formulation of agency records schedules. [1228.24]
1225.16 Request for records disposition authority. [1228.26]
1225.18 Scheduling permanent records. [1228.28]
1225.20 Scheduling of temporary records. [1228.30]
1225.22 Request to change disposition authority. [1228.32]

PART 1226—IMPLEMENTING SCHEDULES

Sec.
1226.10 Application of schedules. [1228.50]
1226.12 Withdrawal of disposal authority. [1228.52]
1226.14 Temporary extension of retention periods. [1228.54]
1226.16 Transfer of permanent records. [1228.56]
1226.18 Destruction of temporary records. [1228.58]
1226.20 Donation of temporary records. [1228.60]

PART 1227—GENERAL RECORDS SCHEDULES

Sec.
1227.10 Authority. [1228.40]
1227.12 Applicability. [1228.42]
1227.14 Availability. [1228.46]

PART 1228—LOAN OF PERMANENT AND UNSCHEDULED RECORDS

Sec.
1228.10 Authority. [1228.70]
1228.12 Approval. [1228.72]
1228.14 Agency action. [1228.74]
1228.16 NARA action on request. [1228.76]
1228.18 Retrieval of records. [1228.78]

PART 1229—EMERGENCY AUTHORIZATION TO DESTROY RECORDS

Sec.
1229.10 General provisions. [1228.90]
1229.12 Menaces to human life or health or to property. [1228.92]
1229.14 State of war or threatened war. [1228.94]

PART 1230—DAMAGE TO, ALIENATION, AND UNAUTHORIZED DESTRUCTION OF RECORDS

Sec.
1230.10 Responsibilities. [1228.100]
1230.12 Criminal penalties. [1228.102]
1230.14 Reporting. [1228.104]
1230.16 Exclusions. [1228.106]

PART 1231—TRANSFER OF RECORDS FROM THE CUSTODY OF ONE EXECUTIVE AGENCY TO ANOTHER

Sec.
1231.10 Authority. [1228.120]
1231.12 Approval. [1228.122]
1231.14 Agency request. [1228.124]
1231.16 Agency concurrences. [1228.126]
1231.18 Records of terminated agencies. [1228.128]
1231.20 Equipment. [1228.130]
1231.22 Costs of transfers. [1228.132]
1231.24 Restrictions on use of records. [1228.134]
1231.26 Exceptions. [1228.136]

PART 1232—TRANSFER OF RECORDS TO RECORDS STORAGE FACILITIES

Sec.
1232.10 Where can a Federal agency transfer records for storage? [1228.150]
1232.12 Under what conditions may Federal records be stored in records storage facilities? [1228.152]
1232.14 What requirements must an agency meet when it transfers records to a records storage facility? [1228.154]
1232.16 What procedures must an agency follow to transfer records to an agency records center or commercial records storage facility? [1228.156]

PART 1233—TRANSFER, USE, AND DISPOSITION OF RECORDS IN A NARA RECORDS CENTER

Sec.
1233.10 How does an agency transfer records to a NARA records center? [1228.160]
1233.12 How does an agency transfer vital records to a NARA records center? [1228.162]
1233.14 What records must be transferred to the National Personnel Records Center (NPRC)? [1228.164]
1233.16 How does an agency transfer records to the National Personnel Records Center (NPRC)? [1228.166]
1233.18 How can records be used in NARA records centers? [1228.168]
1233.20 How are disposal clearances managed for records in NARA records centers? [1228.170]
1233.22 Transfer to and storage of electronic records in NARA records centers [New]

PART 1234—FACILITY STANDARDS FOR RECORDS STORAGE FACILITIES

Subpart A—General

Sec.
1234.10 What authority applies to this subpart? [1228.220]
1234.12 What does this subpart cover? [1228.222]
1234.14 Publications incorporated by reference. [1228.224]

Subpart B—Facility Standards

1234.20 What are the facility requirements for all records storage facilities? [1228.228]
1234.22 What are the fire safety requirements that apply to records storage facilities? [1228.230]

1234.24 What are the requirements for environmental controls for records storage facilities? [1228.232]

Subpart C—Handling Deviations From NARA's Facility Standards

1234.30 What rules apply if there is a conflict between NARA standards and other regulatory standards that a facility must follow? [1228.234]
1234.32 How does an agency request a waiver from a requirement in this subpart? [1228.236]
1234.34 How does NARA process a waiver request? [1228.238]

Subpart D—Facility Approval and Inspection Requirements

1234.40 How does an agency request authority to establish or relocate records storage facilities? [1228.240]
1234.42 What does an agency have to do to certify a fire-safety detection and suppression system? [1228.242]
1234.44 When may NARA conduct an inspection of a records storage facility? [1228.244]
Appendix A—Minimum Security Standards for Level III Federal Facilities [1228 Appendix A]
Appendix B—Alternative Certified Fire-safety Detection and Suppression System(s) [1228 Appendix B]

PART 1235—TRANSFER OF RECORDS TO THE NATIONAL ARCHIVES OF THE UNITED STATES

Sec.
1235.10 Authority. [1228.260]
1235.12 Types of records to be transferred. [1228.262]
1235.14 Certification for retention of records in agency custody. [1228.264]
1235.16 Audiovisual records. [1228.266]
1235.18 Cartographic and architectural records. [1228.268]
1235.20 Electronic records (including new transfer guidance). [1228.270]
1235.22 Transfer of records. [1228.272]
1235.24 Restrictions on transferred records. [1228.274]
1235.26 Records subject to the Privacy Act of 1974. [1228.276]
1235.28 Release of equipment. [1228.278]
1235.30 Use of records transferred to the National Archives. [1228.280]
1235.32 Disposal clearances. [1228.282]

PART 1236—ELECTRONIC RECORDS MANAGEMENT

Subpart A—General

Sec.
1236.1 Scope of part. [1234.1]

Subpart B—Program Requirements

1236.10 Agency responsibilities. [1234.10 and *ISO 15489-1:7.2, Characteristics of a record*]

Subpart C—Standards for Design and Implementation of an Electronic Records System [ISO 15489-1:8]

1236.12 General. (ISO 15489-1:8.1)
1236.14 Records systems characteristics. (ISO 15489-1:8.2)

- 1236.16 Designing and implementing electronic records systems. (ISO 15489-1:8.3)
- 1236.18 Design and implementation methodology. (ISO 15489-1:8.4)
- 1236.20 Discontinuing records systems. (ISO 15489-1:8.5)
- 1236.22 Determining documents to be captured into a records system. (ISO 15489-1:9.1)
- 1236.24 Standards for managing electronic mail records. [1234.24]
- (a) Identifying and preserving. [1234.24(a)]
- (b) Recordkeeping systems. [1234.24(b)]
- (c) Copying. [1234.24(c)]
- (d) Print and file. [1234.24(d)]
- 1236.26 Standards for managing data files. [1234.20]
- 1236.28 Standards for managing text files. [1234.22]
- 1236.30 Standards for managing PDF files. [New]
- 1236.32 Standards for managing scanned images. [New]
- 1236.34 Standards for managing digital photography. [New]
- 1236.36 Reserved for New Formats
- 1236.38 Reserved for New Formats
- 1236.40 Reserved for New Formats
- 1236.42 Reserved for New Formats
- 1236.44 Selection and maintenance of media. [1234.30]
- 1236.46 Judicial use of electronic records. [1234.26]
- 1236.48 Security use of electronic records. [1234.28]

Subpart E—Disposition of Electronic Records

- 1236.50 Determining how long to retain records. (ISO 15489-1:9.2)
- 1236.52 Retention and disposition of electronic records.
- (a) Scheduling. [1234.32(a)]
- (b) Records authorized for disposal in certain parts of the GRS are also authorized for disposal if they are in an electronic format. [New]
- (c) Establishing. [1234.32(c)]
- (d) Electronic mail. [1234.32(d)]
- (e) Transferring. [1234.32(b)]
- 1236.54 Destruction of electronic records. [1234.34]

PART 1237—AUDIOVISUAL RECORDS MANAGEMENT

Subpart A—General

- Sec.
- 1237.1 Applicability and scope. [1232.1]
- 1237.2 Objectives. [1232.2]

Subpart B—Audiovisual Records Management

- 1237.20 Agency program responsibilities. [1232.20]
- 1237.22 Nitrocellulose film. [1232.22]
- 1237.24 Unstable cellulose-acetate film. [1232.24]
- 1237.26 Storage conditions. [1232.26]
- 1237.28 Maintenance and operations. [1232.28]
- 1237.30 Choosing formats. [1232.30]
- 1237.32 Disposition. [1232.32]

PART 1238—CARTOGRAPHIC, ARCHITECTURAL, AND AERIAL FILM MANAGEMENT

Subpart A—General

- Sec.
- 1238.1 Applicability and scope. [New]
- 1238.2 Objectives. [New]

Subpart B—Cartographic, Architectural, and Aerial Film Management

- 1238.20 Agency program responsibilities. [New]
- 1238.22 Storage conditions. [New]
- 1238.24 Maintenance and operations. [New]
- 1238.26 Choosing formats. [New]
- 1238.28 Disposition. [New]

PART 1240—MICROGRAPHIC RECORDS MANAGEMENT

Subpart A—General

- Sec.
- 1240.1 Scope. [1230.1]
- 1240.2 Authority. [1230.2]
- 1240.3 Publication incorporated by reference. [1230.3]

Subpart B—Program Requirements

- 1240.7 Managing microform records. [1230.7]

Subpart C—Microfilming Standards

- 1240.10 Disposition of microform and source records. [1230.10]
- 1240.12 Requirements for filming records. [1230.12]
- 1240.14 Filming requirements for permanent and unscheduled records. [1230.14]
- 1240.16 Film and image requirements for temporary records, duplicates, and user copies. [1230.16]

Subpart D—Storage, Use, and Disposition of Microform Records

- 1240.20 Storage of microform. [1230.20]
- 1240.22 NARA inspection requirements for permanent and unscheduled microform records. [1230.22]
- 1240.24 NARA inspection requirements for temporary microform records. [1230.24]
- 1240.26 Restrictions for permanent and unscheduled microform records. [1230.26]
- 1240.28 Storing permanent microform records in a records storage facility. [1230.28]
- 1240.30 Transferring permanent microform records to the legal custody of the National Archives. [1230.30]

Subpart E—Centralized Micrographic Services

- 1240.40 NARA's micrographic services. [1230.50]

PART 1242—PROGRAM ASSISTANCE

- Sec.
- 1242.1 Scope. [1238.1]
- 1242.2 Requests for assistance. [1238.2]

PART 1244—INSPECTION AND STUDIES

Subpart A—General

- Sec.
- 1244.10 Authority. [1220.18 and 1220.50]
- 1244.20 Purpose. [1220.52]

Subpart B—Inspection Program

- 1244.30 Inspection process. [1220.54]
- 1244.32 Inspection report. [1220.56]
- 1244.34 Agency action plans and progress reports. [1220.58]
- 1244.36 Follow-up notification and reviews. [1220.60]

Subpart C—Studies Program

- 1244.40 Studies process. [1220.54]
- 1244.42 Studies report. [1220.56]
- 1244.44 Agency action plans and progress reports. [1220.58]
- 1244.46 Follow-up notification and reviews. [1220.60]

PART 1246—NARA RECORDS MANAGEMENT REPORTING

- Sec.
- 1246.10 Authority. [New]
- 1246.20 Purpose. [New]
- 1246.30 Reports to Congress. [1220.16]
- 1246.40 Reports to Director of OMB. [1220.16]

[FR Doc. 04-5625 Filed 3-12-04; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[VA 133-5066b; FRL-7636-1]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revisions to Regulations for General Compliance Activities and Source Surveillance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve the State Implementation Plan (SIP) revisions submitted by the State of Virginia for the purpose of updating certain requirements related to applicability, compliance, testing and monitoring to be consistent with Federal requirements. In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.