

boating safety matters. NBSAC consists of 21 members—seven who are State boating officials, seven from the boating industry, and seven representing national boating organizations and/or the general public.

This notice advises readers that the 1989 NBSAC Propeller Guard Subcommittee Report has been placed in the docket and is available for public inspection.

ADDRESSES: Requests for copies of the 1989 NBSAC Propeller Guard Subcommittee Report may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406)(CGD95-041), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or may be delivered to room 3406 at the above address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

FOR FURTHER INFORMATION CONTACT: Mr. Alston Colihan, Auxiliary, Boating, and Consumer Affairs Division, (202) 267-0981.

Dated: September 18, 1995.

Rudy K. Peschel,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.
[FR Doc. 95-23802 Filed 9-25-95; 8:45 am]

BILLING CODE 4910-14-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1228

RIN 3095-AA65

Disposition of Federal Records

AGENCY: National Archives and Records Administration.

ACTION: Proposed rule.

SUMMARY: NARA proposes to amend its regulations to require reimbursement for all records maintained in Federal records centers that have exceeded the authorized disposal date. In connection with this requirement, NARA will stipulate that agencies should not request a change in the retention period specified in a records schedule for records that must be kept beyond their normal retention period for audit, investigation, litigation, or any other administrative purpose. NARA is taking this action because the Federal records centers have a serious shortage of storage space and can no longer absorb the cost of storing records beyond their scheduled disposal date.

DATES: Comments must be received by November 27, 1995.

ADDRESSES: Comments should be sent to Director, Policy and Planning Division (PIRM-POL), National Archives and Records Administration 8601 Adelphi Road, College Park, MD 20740-6001.

FOR FURTHER INFORMATION CONTACT: Mary Ann Hadyka or Nancy Allard at 301-713-6730.

SUPPLEMENTARY INFORMATION:

Background

The Federal Records Act (FRA) confers broad authority on NARA to formulate and implement records management policy for the Federal government. This includes establishing Federal records centers (44 U.S.C. 2907), providing guidance and promulgating standards to ensure adequate documentation of the policies and transactions of the Federal government, ensuring proper records disposition (44 U.S.C. 2904), and implementing procedures for the disposition, disposal, and reproduction of records (44 U.S.C. 3302).

The Federal Records Act does not specifically instruct NARA regarding what records it must store at Federal Records Centers (FRCs) or the length of time for which it must store them. See 44 U.S.C. 2907. For that reason, NARA may determine the scope of service provided at FRCs, so long as NARA acts in a manner that it determines will best serve the public, effectuate sound records management, and implement the policy goals contained in the FRA. See B-211953, slip op. at 5 (Dec. 7, 1984) (Comp. Gen.).

In the Comptroller General decision just cited, the General Accounting Office (GAO) held that the General Services Administration (GSA), then NARA's parent agency, could be reimbursed under the Economy Act for storing and serving current records at FRCs because the function fell outside the range of services that GSA had determined it was required to provide under the FRA and because GSA did not receive appropriations for the service.

The GAO decision recognized that NARA possesses the authority to "promulgate reasonable standards and guidelines for determining when records may be transferred from agency office space to Federal records centers (FRCs), so long as these guidelines are consistent with the statutory goals of promoting economy and efficiency in records management." B-211953, slip op. at 5. Further, GAO noted that it is NARA "which must determine the basis on which it will allocate limited space and resources among client agencies.

NARA historically has interpreted its authority to operate FRCs as permitting

the storage and servicing of temporary records that are retained beyond their scheduled disposition dates for administrative, fiscal, legal, or other reasons, although it never sought appropriations for that purpose. Now, NARA has determined, based on the need to reallocate limited space and resources, that sound records management practice requires that it no longer interpret its responsibilities to include these functions. Therefore, unless Congress specifically appropriates money in the future for the storage and service of temporary records retained beyond their scheduled disposition dates for administrative, fiscal, legal, or other reasons, NARA will, under the Economy Act, provide such service on a reimbursable basis only, so long as doing so does not interfere with the agency's remaining responsibilities to operate FRCs.

Problem

Since the establishment of the records center system in 1950, there has been a continuous growth in records holdings. Records center holdings, in fact, have increased from 45,000 cubic feet in 1950 to 18,860,981 cubic feet as of April 1995. We expect the growth to accelerate with the closure of military bases and installations as a result of the Defense Base Closure and Realignment Act of 1990 (Pub. L. 101-510) and general Government-wide downsizing.

Currently, there are 13 Federal records centers and two National records centers. The availability of open space, however, continues to pose a critical challenge. Even with the addition of the Pittsfield FRC, the records center system reached 95 percent of its capacity by the end of FY 1994. It is only through the ongoing major redistribution of records to the Pittsfield FRC and the new FRC in Philadelphia that the records center system has been able to cope with records storage demands.

The presence in records centers of temporary records that have exceeded their scheduled disposition dates has significantly contributed to the reduced storage capacity to meet records storage demands. Indeed, records centers holdings of these retained records have increased by over one million cubic feet in the past five years. In May 1990, the volume of these records was over two million cubic feet, about 12.5 percent of the total holdings for records centers. About 3.2 percent (531,374 cubic feet) of those records were otherwise eligible for disposal, but had to be retained. As of April 1995, records center holdings of these records had increased to 3,247,506 cubic feet and approximately 38.8

percent (1,259,416 cubic feet) had exceeded their authorized disposal date.

With the continuing growth of these records, and the acceptance of new temporary records, including those from military base and installation closures and other downsizing Government agencies, the records center system can no longer absorb the cost of storing and servicing records that have exceeded their authorized disposal date.

Moreover, agencies have no incentive under the present system to avoid either retaining these records indefinitely or retaining a broader category or greater number of records than is strictly necessary.

Proposed NARA Action

To alleviate this problem and to enable NARA to continue to offer quality storage and service for temporary records that have not yet reached their disposal date, NARA proposes to amend 36 CFR 1228.54(g) to require reimbursement for records maintained in Federal records centers that have exceeded their authorized disposal date. NARA also proposes to amend 36 CFR 1228.32, which provides procedures for changing retention periods of series of records, to state that agencies should not request to change the scheduled retention period for records needed beyond their normal retention periods for temporary administrative purposes.

Agencies who do not wish to negotiate an agreement for reimbursement will be required to arrange and pay for the return of the records to the agency. Upon publication of this proposed rule, NARA will notify all agencies that currently have temporary records otherwise eligible for immediate disposal in Federal records center space.

We intend that the fee for the storage and service of temporary records retained beyond their scheduled disposal date will become effective on January 1, 1996. For the period from January 1 through September 30, 1996, the fee will be approximately \$1.60 per cubic foot. The fee may be adjusted in subsequent fiscal years based on increases in rent and other overhead costs.

This rule is a significant regulatory action under E.O. 12866 of September 30, 1993 and has been reviewed by OMB. As required by the Regulatory Flexibility Act, it is hereby certified that this rule will not have a significant impact on small entities.

List of Subjects in 36 CFR Part 1228
Archives and records.

For the reasons set forth in the preamble, NARA proposes to amend 36 CFR part 1228 as follows:

PART 1228—DISPOSITION OF FEDERAL RECORDS

1. The authority citation for part 1228 continues to read as follows:

Authority: 44 U.S.C. chapters 21, 29, and 31.

2. Section 1228.32 is revised to read as follows:

§ 1228.32 Request to change disposition authority.

(a) Agencies desiring to change the approved retention period of a series or system of records shall submit an SF 115. Disposition authorities contained in approved SFs 115 are automatically superseded by approval of a later SF 115 applicable to the same records unless the later SF 115 specified an effective date. Agencies submitting revised schedules shall indicate on the SF 115 the relevant schedule and item numbers to be superseded, the citation to the current printed records disposition schedule, if any, and/or the General Records Schedules and item numbers that cover the records.

(b) Agencies proposing to change the retention period of a series or system of records shall submit with the SF 115 an explanation and justification for the change. The need to retain records longer than the retention period specified in the disposition instructions on an approved SF 115 for purposes of audit, investigation, litigation, or any other administrative purpose that justifies the temporary extension of the retention period shall be governed by the procedures set forth in § 1228.54. Agencies shall not submit an SF 115 to change the retention period in such cases.

3. Section 1228.54(g) is revised to read as follows:

§ 1228.54 Temporary extension of retention periods.

* * * * *

(g) Except when NARA agrees to continue to store and service records on a reimbursable basis, agencies shall remove from Federal records centers at the agency's expense records that, because of court order, investigation, audit, study, or any other administrative reason the agency wishes to retain longer than the scheduled retention period for the records. The removal of records must be accomplished within 60 days of the date of the notification from the Federal records center that the retention period has expired. Agencies that wish to establish an agreement or

inquire about their records should write to NARA, Office of Federal Records Centers (NC), 8601 Adelphi Road, College Park, MD 20740-6001.

Dated: September 5, 1995.
John W. Carlin,
Archivist of the United States.
[FR Doc. 95-23818 Filed 9-25-95; 8:45 am]
BILLING CODE 7515-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[GA-95-01-FRL-5303-4]

Clean Air Act Proposed Interim Approval of Operating Permits Program; Georgia

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed interim approval.

SUMMARY: The EPA proposes interim approval of the Operating Permits Program submitted by the Georgia Department of Natural Resources, Environmental Protection Division (EPD) for the purpose of complying with Federal requirements which mandate that states develop, and submit to EPA, programs for issuing operating permits to all major stationary sources, and to certain other sources.

DATES: Comments on this proposed action must be received in writing by October 26, 1995.

ADDRESSES: Written comments on this action should be addressed to Carla E. Pierce, Chief, Air Toxics Unit/Title V Program Development Team, Air Programs Branch, at the EPA Region 4 office listed below. Copies of the State's submittal and other supporting information used in developing the proposed interim approval are available for inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Air Programs Branch, Region 4, 345 Courtland Street, NE, Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Yolanda Adams, Title V Program Development Team, Air Programs Branch, Air, Pesticides & Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 345 Courtland Street, N.E., Atlanta, Georgia 30365, (404) 347-3555, Ext. 4149.