

Regulatory Flexibility Act

It is hereby certified that these proposed regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required. The revenue effects of this rulemaking on small businesses flow directly from the underlying statute. Likewise, any secondary or incidental effects, and any reporting, recordkeeping, or other compliance burdens flow directly from the statute.

Paperwork Reduction Act

The collections of information contained in this notice have been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)). Comments on the collections of information should be sent to the Office of Management and Budget, Paperwork Reduction Project 1512-0017, 1512-0018, and 1512-0019, Attention: Desk officer for the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Office of Information and Regulatory Affairs, Washington, DC, 20503, with copies to the Chief, Document Services Branch, Room 3450, Bureau of Alcohol, Tobacco, and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226.

The collections of information in this proposed regulation are in 27 CFR 178.119. This information is required by ATF to ensure compliance with the provisions of Pub. L. 103-322 (108 Stat. 1796). The likely respondents are individuals and businesses. Estimated total annual reporting burden: 200 hours. Estimated number of respondents: 2,000. Total annual hours requested: 200.

Public Participation

ATF requests comments on the temporary regulations from all interested persons. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date.

ATF will not recognize any material in comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing should submit his or her request, in writing, to the Director within the 90-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing is necessary.

The temporary regulations in this issue of the Federal Register amend the regulations in 27 CFR Part 178. For the text of the temporary regulations, see T.D. ATF-383 published in the Rules and Regulations section of this issue of the Federal Register.

Drafting Information: The author of this document is James P. Ficaretta, Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Signed: March 18, 1996.

Bradley A. Buckles,

Acting Director.

Approved: June 19, 1996.

John P. Simpson,

Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

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NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1228

RIN 3095-AA55

Transfer of Electronic Records to the National Archives

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would revise NARA regulations relating to the transfer of permanent electronic records to the National Archives. The proposed rule clarifies the timing of transfers and expands the forms of acceptable transfer media.

DATES: Comments must be received by September 27, 1996.

ADDRESSES: Comments must be sent to Regulation Comment Desk (PIRM-POL), Room 3200, Policy and Planning Division, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001.

FOR FURTHER INFORMATION CONTACT: Nancy Allard at (301) 713-6730, extension 226.

SUPPLEMENTARY INFORMATION: The proposed rule directs agencies to transfer electronic records to the National Archives at the time specified in NARA-approved records schedules or sooner if the agency cannot properly

care for the records. The transfer media, formerly limited to open reel magnetic tape or tape cartridges, now includes Compact-Disk, Read Only Memory (CD-ROM) provided that the files contained on the CD-ROM comply with the format and documentation specified in § 1228.188. Open-reel 7-track tape reels recorded at 800 bpi are no longer acceptable. In addition, the proposed section provides more specific transfer information for data files and databases and now includes information for transferring electronic textual documents and digital spatial data files. Finally, agencies are encouraged to transfer documentation in an electronic form.

This proposed rule is not a significant regulatory action for the purposes of Executive Order 12866, and has not been reviewed by OMB. As required by the Regulatory Flexibility Act, it is hereby certified that this proposed rule will not have a significant impact on small entities. This proposed rule is not a major rule as defined in 5 U.S.C. Chapter 8, Congressional Review of Agency Rulemaking.

List of Subjects in 36 CFR Part 1228

Archives and records, Computer technology, Incorporation by reference.

For the reasons set forth in the preamble, NARA proposes to amend part 1228 of title 36, Code of Federal Regulations, as follows:

PART 1228—DISPOSITION OF FEDERAL RECORDS

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

Authority: 44 U.S.C. chs. 21, 29, and 33.

2. Section 1228.188 is revised to read as follows:

§ 1228.188 Electronic records.

(a) *Timing of transfers.* Each agency is responsible for the integrity of the records it transfers to the National Archives. To ensure that permanently valuable electronic records are preserved, each Federal agency shall transfer electronic records to the National Archives promptly in accordance with the agency's records disposition schedule. Furthermore, if the agency cannot provide proper care and handling of the media (see part 1234 of this chapter), or if the media are becoming obsolete and the agency cannot migrate the records to newer media, the agency shall contact NARA to arrange for timely transfer of permanently valuable electronic records, even when sooner than provided in the records schedule.

(b) *Temporary retention of copy.* Each agency shall retain a second copy of any permanently valuable electronic records that it transfers to the National Archives until it receives official notification from NARA that the transfer was successful and that NARA has assumed responsibility for continuing preservation of the records.

(c) *Transfer media.* The agency shall use only media that is sound and free from defects for such transfers; the agency shall choose reasonable steps to meet this requirement. The media forms that are approved for transfer are open reel magnetic tape, magnetic tape cartridge, and Compact-Disk, Read Only Memory (CD-ROM), as described in paragraphs (c) (1) and (2) of this section.

(1) *Magnetic tape.* Agencies may transfer electronic records to the National Archives on magnetic tape using either open-reel magnetic tape or tape cartridges. Open-reel magnetic tape shall be on 1/2 inch 9-track tape reels recorded at 1600 or 6250 bpi that meet ANSI X3.39-1992, American National Standard: Recorded Magnetic Tape for Information Interchange (1600 CPI, PE) or ANSI X3.54-1992, American National Standard: Recorded Magnetic Tape for Information Interchange (6250 CPI, Group Coded Recording), respectively. Tape cartridges shall be 18-track 3480-class cartridges recorded at 37,871 bpi that meet ANSI X3.180-1990, American National Standard: Magnetic Tape and Cartridge for Information Interchange—18-Track, Parallel, 1/2 inch (12.65 mm), 37871 cpi (1491 cpmm), Group-Coded—Requirements for Recording. The data shall be blocked at no more than 32,760 bytes per block. The standards cited in this paragraph are available from the American National Standards Institute, (ANSI), Inc., 11 West 42nd Street, New York, NY 10036. They are also available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, D.C. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated by reference as they exist on the date of approval and a notice of any change in these materials will be published in the Federal Register.

(2) *Compact-Disk, Read Only Memory (CD-ROM).* Agencies may use CD-ROMs to transfer electronic records scheduled to be preserved in the National Archives. The files on such a CD-ROM must comply with the format and documentation requirements specified in paragraphs (d) and (e) of this section.

(i) CD-ROMs used for this purpose must conform to the International Standards Organization (ISO) 9660 standard and to the American Standard Code for Information Interchange (ASCII) standard as defined in the Federal Information Processing Standard 1-2 (11/14/84). The standard is available from the National Institute of Standards and Technology (NIST), Bldg. 820, West Diamond Dr., Rm. 562, Gaithersburg, MD 20899. It is also available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, D.C. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated by reference as they exist on the date of approval and a notice of any change in these materials will be published in the Federal Register.

(ii) Permanently valuable electronic records must be stored in discrete files. The CD-ROMs transferred may contain other files, such as software or temporary records, but all permanently valuable records must be in files that contain only permanent records.

(iii) In some cases, permanently valuable electronic records that an agency disseminates on CD-ROM exist on other media, such as magnetic tape. In such cases, the agency and NARA will mutually agree on the most appropriate medium for transfer of the records to the National Archives.

(d) *Formats.* The agency may not transfer to the National Archives electronic records that are in a format dependent on specific hardware and/or software. The records shall be written in ASCII or EBCDIC with all control characters and other non-data characters removed (except as specified in paragraphs (d) (1), (2) and (3) of this section). The records must not be compressed unless NARA has approved the transfer in the compressed form in advance. In such cases, NARA may require the agency to provide the software to decompress the records.

(1) *Data files and databases.* Data files and databases shall be transferred to the National Archives as flat files or as rectangular tables; that is as two dimensional arrays, lists, or tables. All "records" (within the context of the computer program, as opposed to a Federal record) or "tuples," i.e., ordered collections of data items, within a file or table should have the same logical format. Each data element within a record should contain only one data value. A record should not contain nested repeating groups of data items. The file should not contain extraneous

control characters, except record length indicators for variable length records, or marks delimiting a data element, field, record, or file. If records or data elements in different files need to be linked or combined, then each record must contain one or more data elements that constitute primary and/or foreign keys enabling valid linkages between the related records in separate files.

(2) *Textual documents.* Electronic textual documents shall be transferred as plain ASCII files; however, such files may contain Standard Generalized Markup Language (SGML) tags.

(3) *Digital spatial data files.* Digital spatial data files shall be transferred to NARA in accordance with the Spatial Data Transfer Standard (SDTS) as defined in the Federal Information Processing Standard 173 which became mandatory in February 1994 and which is incorporated by reference. Digital geospatial data files created on systems procured prior to February 1994 which do not have a SDTS capability are exempt from this requirement. Agencies should consult with NARA for guidance on transferring noncompliant digital geospatial data files created between the effective date of FIPS 173 and the effective date of this revision. The standard cited in this paragraph is available from the National Institute of Standards and Technology (NIST), Bldg. 820, West Diamond Dr., Rm. 562, Gaithersburg, MD 20899. This standard is also available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated by reference as they exist on the date of approval and a notice of any change in these materials will be published in the Federal Register.

(4) *Other categories of electronic records.* Agencies should identify any foreseeable problems in the possible transfer of potentially permanent electronic records in accordance with paragraphs (d) (1), (2) and (3) of this section at the time the records are scheduled. Special transfer requirements agreed upon by NARA and the agency shall be included in the disposition instructions.

(5) *NARA consultation.* The agency shall consult with NARA for guidance on the transfer of types of electronic records other than those prescribed in paragraphs (d) (1), (2) and (3) of this section.

(e) *Documentation.* Documentation adequate to identify, service and interpret electronic records that have

been designated for preservation by NARA shall be transferred with the records. This documentation shall include completed NARA Form 14097, Technical Description for Transfer of Electronic Records, and a completed NARA Form 14028, Information System Description Form, or their equivalents. Where possible, agencies should submit required documentation in an electronic form that conforms to the provisions of this section.

(1) *Data files.* Documentation for data files and data bases must include record layouts, data element definitions, and code translation tables (codebooks) for coded data. Data element definitions, codes used to represent data values and interpretations of these codes must match the actual format and codes as transferred.

(2) *Digital spatial data files.* Digital spatial data files shall include the documentation specified in paragraph (e)(1) of this section. In addition, documentation for digital spatial data files may include metadata that conforms to the Federal Geographic Data Committee's Content Standards for Digital Geospatial Metadata, as specified in Executive Order 12906 of April 11, 1994 (3 CFR, 1995 Comp., p. 882).

(3) *Documents containing SGML tags.* Documentation for electronic files containing textual documents with SGML tags shall include a table for interpreting the SGML tags, when appropriate.

Dated: July 23, 1996.

John W. Carlin,

Archivist of the United States.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IA-005-1005; FRL-5542-8]

Approval and Promulgation of Implementation Plans and Approval Under Section 112(l); State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency proposes approval of revisions to the State Implementation Plan (SIP) submitted by the state of Iowa. Several of the revisions are necessary to meet requirements of the Clean Air Act (Act) and Code of Federal Regulations (CFR). Others are intended to improve the state's permitting program and air

quality. Collectively, these revisions will strengthen the SIP with respect to attainment and maintenance of established air quality standards and with respect to control of hazardous air pollutants.

DATES: Comments must be received on or before August 28, 1996.

ADDRESSES: Comments may be mailed to Christopher D. Hess, Environmental Protection Agency, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Christopher D. Hess at (913) 551-7213.

SUPPLEMENTARY INFORMATION: The state of Iowa requested approval of four SIP revisions under the authority and signature of the Governor's designee, Larry J. Wilson, Director, Iowa Department of Natural Resources (IDNR). Two separate requests each dated February 16, along with requests dated February 19 and February 27, 1996, were received by the EPA. All of these submittals were determined complete in accordance with the criteria specified in 40 CFR part 51, appendix V. The state provided evidence of the lawful adoption of regulations, public notice, and relevant public hearing requirements for each submittal.

Revision Topics

Revisions by the state are summarized by date of the request to amend the SIP.

I. February 16, 1996(b)—Construction Permit Exemptions and Permit by Rule for Spray Booths

The list of exemptions from the requirement to obtain an air construction permit is amended and expanded. The practical effect of this action reduces the large volume of permits formerly required under state rule. Many of the activities that triggered a construction permit contained negligible emissions. For example, Iowa previously required permits for modifications which did not result in increased emissions.

The rule now exempts such modifications and others involving minimal increases, but requires that such sources provide information showing that increased emissions will not prevent attainment or maintenance of air quality standards.

The rule also exempts certain activities from the requirement to obtain a preconstruction permit, such as incinerators with a rated burning capacity of less than 25 pounds per hour. Iowa has determined, through the use of screening models, that such operations and activities would not have an adverse impact on air quality

anywhere in the state. Based on this determination, EPA proposes to approve the exemptions.

The exemption provision, rule 22.1(2), also contains a provision which clarifies that the exemptions are not retroactive. This provision was adopted by the Environmental Protection Commission (EPC) on May 15, 1995, and submitted to the EPA on February 16, 1996. Subsequently, on April 15, 1996, the EPC removed the provision clarifying the retroactivity of the exemptions. However, on June 12, 1996, the IDNR submitted a letter clarifying that it intended that the EPA act on the preamended exemption provision (including the clarification that the exemptions are not retroactive), and that it does not intend that the EPA act on the subsequent amendment. The EPA proposes to approve the exemption provision on this basis.

With this amendment, there will be less burden on the regulated community (due to fewer required permits), and the IDNR can focus on more significant sources of pollution. The EPA believes that the rule, as revised, continues to meet the preconstruction review requirements of section 110(a)(2)(C) of the Act.

A permit by rule for paint spray booths is added. If a source meets the criteria established in the rule, the source's spray booths will be deemed to be in compliance with the requirements to obtain air construction and operating permits. Sources which emit at levels allowed by the rule would not be major sources for purposes of the construction and operating permit programs under the Act.

Thus, this revision provides a mutual benefit to the IDNR, regulated community and the public. Sources have an incentive to maintain low levels of emissions, thereby reducing their own and the IDNR's administrative requirements while the public's exposure to pollutants is decreased. The rule requires specific and enforceable operating restrictions which meet the EPA guidance for Federal enforceability.

Because the rule limits emissions of hazardous air pollutants as well as volatile organic compounds, the EPA is proposing to approve the rule under sections 110 and 112(l) of the Act.

II. February 16, 1996(c)—Open Burning

Open burning exemptions and their intent in rural settings are clarified. The exemptions are also modified to prohibit burning of asbestos-containing shingles as required by the Iowa statutes.

The use of "landowner" in certain definitions is expanded to include a