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FOR FURTHER INFORMATION CONTACT:

Amy Bunk, Director of Legal Affairs and Policy, or Miriam Vincent, Staff Attorney, Office of the Federal Register, National Archives and Records Administration, (202) 741-6030 or Fedreg.legal@nara.gov.

SUPPLEMENTARY INFORMATION: Due to the possibility of a lapse in appropriations and in accordance with the provisions of the Antideficiency Act, as amended by Public Law 101-508, 104 Stat. 1388 (31 U.S.C. 1341), the OFR announces special procedures for agencies submitting documents for publication in the **Federal Register**.

In the event of an appropriations lapse, the OFR would be required to publish documents directly related to the performance of governmental functions necessary to address imminent threats to the safety of human life or protection of property and documents related to funded programs if delaying publication until the end of the appropriations lapse would prevent or significantly damage the execution of funded functions at the agency. Since it would be impracticable for the OFR to make case-by-case determinations as to whether certain documents are directly related to activities that qualify for an exemption under the Antideficiency Act, the OFR will place responsibility on agencies submitting documents to certify that their documents are authorized under the Act.

During a funding hiatus affecting one or more Federal agencies, the OFR will remain open to accept and process documents authorized to be published in the daily **Federal Register** in the absence of continuing appropriations. An agency wishing to submit a document to the OFR during a funding hiatus must attach a transmittal letter to the document which certifies that publication in the **Federal Register** is necessary:

Unfunded Agencies or Programs

- To safeguard human life, protect property, or
- Provide other emergency services consistent with the performance of functions and services exempted under the Antideficiency Act.

Funded Agencies or Programs

- Because delaying publication until the end of the appropriations lapse would prevent or significantly damage the execution of funded functions at the agency.

Under the August 16, 1995 opinion of the Office of Legal Counsel of the Department of Justice (OLC), *Government Operations in the Event of a Lapse in Appropriations*, exempt functions and services would include activities such as those related to the constitutional duties of the President, food and drug inspection, air traffic control, responses to natural or manmade disasters, law enforcement and supervision of financial markets. Documents related to normal or routine activities of Federal agencies, even if funded under prior year appropriations, will not be published.

In another opinion issued on December 13, 1995, *Effect of Appropriations for Other Agencies and Branches on the Authority to Continue Department of Justice Functions During the Lapse in the Department's Appropriations*, the OLC found that the necessary-implication exception allowed unfunded agencies to provide support to funded agencies or programs under certain conditions. As this applies to the OFR, if an agency with current appropriations submits a document for publication and certifies that delaying publication until the end of the appropriations lapse would prevent or significantly damage the execution of funded functions at the agency, then publication in the **Federal Register** will be a function or service excepted under the Anti-Deficiency Act.

At the onset of a funding hiatus, the OFR may suspend the regular three-day publication schedule to permit a limited number of exempt personnel to process emergency documents. Agency officials will be informed as to the schedule for filing and publishing individual documents.

Authority: The authority for this action is 44 U.S.C. 1502 and 1 CFR 2.4 and 5.1.

Oliver A. Potts,

Director of the Federal Register.

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NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA-19-0013; NARA-2019-039]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice of certain Federal agency requests for records disposition authority (records schedules). We publish notice in the **Federal Register** and on [regulations.gov](https://www.regulations.gov) for records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on such records schedules.

DATES: NARA must receive comments by November 14, 2019.

ADDRESSES: You may submit comments by either of the following methods. You must cite the control number, which appears on the records schedule in parentheses after the name of the agency that submitted the schedule.

• **Federal eRulemaking Portal:** <http://www.regulations.gov>.

• **Mail:** Records Appraisal and Agency Assistance (ACR); National Archives and Records Administration; 8601 Adelphi Road; College Park, MD 20740-6001.

FOR FURTHER INFORMATION CONTACT: Records Management Operations by email at request.schedule@nara.gov, by mail at the address above, or by phone at 301-837-1799.

SUPPLEMENTARY INFORMATION:

Public Comment Procedures

We are publishing notice of records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on these records schedules, as required by 44 U.S.C. 3303a(a), and list the schedules at the end of this notice by agency and subdivision requesting disposition authority.

In addition, this notice lists the organizational unit(s) accumulating the records or states that the schedule has agency-wide applicability. It also provides the control number assigned to each schedule, which you will need if you submit comments on that schedule.

We have uploaded the records schedules and accompanying appraisal memoranda to the [regulations.gov](https://www.regulations.gov) docket for this notice as “other” documents. Each records schedule contains a full description of the records at the file unit level as well as their proposed disposition. The appraisal memorandum for the schedule includes information about the records.

We will post comments, including any personal information and

attachments, to the public docket unchanged. Because comments are public, you are responsible for ensuring that you do not include any confidential or other information that you or a third party may not wish to be publicly posted. If you want to submit a comment with confidential information or cannot otherwise use the *regulations.gov* portal, you may contact *request.schedule@nara.gov* for instructions on submitting your comment.

We will consider all comments submitted by the posted deadline and consult as needed with the Federal agency seeking the disposition authority. After considering comments, we will post on *regulations.gov* a "Consolidated Reply" summarizing the comments, responding to them, and noting any changes we have made to the proposed records schedule. We will then send the schedule for final approval by the Archivist of the United States. You may elect at *regulations.gov* to receive updates on the docket, including an alert when we post the Consolidated Reply, whether or not you submit a comment. You may request additional information about the disposition process through the contact information listed above.

We will post schedules on our website in the Records Control Schedule (RCS) Repository, at <https://www.archives.gov/records-mgmt/rcs>, after the Archivist approves them. The RCS contains all schedules approved since 1973.

Background

Each year, Federal agencies create billions of records. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval. Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives or to destroy, after a specified period, records lacking continuing administrative, legal, research, or other value. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

Agencies may not destroy Federal records without the approval of the

Archivist of the United States. The Archivist grants this approval only after thorough consideration of the records' administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government's activities, and whether or not the records have historical or other value. Public review and comment on these records schedules is part of the Archivist's consideration process.

Schedules Pending

1. Department of the Army, U.S. Army Corps of Engineers, Geotechnical Investigations (DAA-0077-2019-0001).
2. Department of Commerce, National Oceanic and Atmospheric Administration, Center Weather Service Unit Files (DAA-0370-2019-0002).
3. Department of Defense, National Security Agency, Security Forensic Investigative Files (DAA-0457-2018-0002).
4. Department of Defense, National Security Agency, Security Case Control Investigative Files (DAA-0457-2019-0001).
5. Department of Homeland Security, Transportation Security Administration, First Observer Plus (DAA-0560-2019-0006).
6. Department of Homeland Security, U.S. Citizenship and Immigration Services, Public Charge Bonds (DAA-0566-2019-0024).
7. Securities and Exchange Commission, Division of Enforcement, Whistleblower Application Files (DAA-0266-2019-0003).

Laurence Brewer,
Chief Records Officer for the U.S.
Government.

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NATIONAL SCIENCE FOUNDATION

Notice of Availability of a Record of Decision Following a Final Comprehensive Environmental Evaluation (CEE) for Continuation and Modernization of McMurdo Station Area Activities in Antarctica

AGENCY: National Science Foundation.

ACTION: Notice of availability.

SUMMARY: The National Science Foundation (NSF) gives notice of the availability of a Record of Decision following a Final Comprehensive Environmental Evaluation (CEE) for Continuation and Modernization of McMurdo Station Area Activities, pursuant to the Antarctic Conservation Act, as amended, its implementing regulations, and in accordance with the

Protocol on Environmental Protection to the Antarctic Treaty. The proposed activity would implement modernization projects at McMurdo Station while continuing United States Antarctic Program science and operations at McMurdo Station and locations supported by the Station.

ADDRESSES: Copies of the Notice of Availability of the Record of Decision are available upon request from Dr. Polly A. Penhale, Senior Advisor, Environment, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314 or *CEE.comments@nsf.gov*.

FOR FURTHER INFORMATION CONTACT: For further information regarding the CEE process, please contact Dr. Polly A. Penhale, at the above address, 703-292-8030, or *CEE.comments@nsf.gov*.

SUPPLEMENTARY INFORMATION: Article 3 of Annex I to the Protocol on Environmental Protection to the Antarctic Treaty requires the preparation of a CEE for any proposed Antarctic activity likely to have more than a minor or transitory impact. The draft CEE was made available to Antarctic Treaty Parties and the Committee for Environmental Protection to the Antarctic Treaty for a 120-day period, as specified above.

The draft CEE was published in the **Federal Register** (Vol. 84, No. 76/ Friday, April 19, 2019, Page 16547) for a 90-comment period, as specified in 45 CFR 641.18.

Comments were received and considered as described in the Final CEE for Continuation and Modernization of McMurdo Station Area Activities in Antarctica. The Final CEE was published in the **Federal Register** (Vol. 84, No. 159, Friday, August 16, 2019, Page 42021).

The Final CEE may be viewed by interested parties at https://www.acpt.nsf.gov/geo/opp/antarct/treaty/cees/AIMS/Final%20CEE_McMurdo%20Modernization_v8_05Aug2019.pdf.

Additional information on the proposed actions and purpose and need was provided in the Notice of Intent to prepare a CEE published in the **Federal Register** (Vol. 81, No. 164/Wednesday, August 24, 2016, Pages 57940-57941).

Erika N. Davis,
Program Specialist, Office of Polar Programs.
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