

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9T, Airspace Designations and Reporting Points, signed August 27, 2009, and effective September 15, 2009, is amended as follows:

Paragraph 6005 Class E Airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ACE IA E5 Cherokee, IA [Amended]

Cherokee County Regional Airport, IA (Lat. 42°43'52" N., long. 95°33'22" W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Cherokee County Regional Airport.

Issued in Fort Worth, TX on March 29, 2010.

Walter L. Tweedy,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2010-7789 Filed 4-6-10; 8:45 am]

BILLING CODE 4901-13-P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1206

[FDMS Docket NARA-10-0001]

RIN 3095-AB67

National Historical Publications and Records Commission; Proposal To Amend Regulations

AGENCY: National Historical Publications and Records Commission, NARA.

ACTION: Proposed rule.

SUMMARY: The National Historical Publications and Records Commission (NHPRC), National Archives and Records Administration (NARA), is proposing to amend its regulations by removing individual eligibility for NHPRC grants, changing the time for posting of grant opportunity

announcements from four to three months before the application deadline, and reflecting the new Office of Management and Budget (OMB) requirement to use Standard Form (SF) 425, Federal Financial Report. These actions are necessary updates to our business processes and are intended to allow us greater flexibility to respond to changing needs and a simplified financial reporting form and process. This proposal also adjusts the order and format of the definitions section for consistency with other NARA regulations, and makes minor typographical changes for clarity and consistency.

DATES: Submit comments on or before June 7, 2010.

ADDRESSES: You may submit comments, identified by RIN 3095-AB67, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *E-mail* (laura.mccarthy@nara.gov). Include RIN 3095-AB67 in the subject line of the message.
- *Mail:* The National and Archives Records Administration; Policy and Planning Office; ATTN: Laura McCarthy; Room 4100, 8601 Adelphi Road, College Park, MD 20740 (For paper, disk, or CD-ROM submissions. Include RIN 3095-AB67 on the submission).

Instructions: All submissions received must include the agency name and Regulatory Information Number (RIN) for this rulemaking. All comments received may be published without changes, including any personal information provided.

FOR FURTHER INFORMATION CONTACT:

Lucy Barber, Deputy Executive Director, National Historical Publications and Records Commission, National Archives and Records Administration, 700 Pennsylvania Avenue, NW., Room 106, Washington, DC 20408-0001, 202-357-5306.

SUPPLEMENTARY INFORMATION: The National Historical Publications and Records Commission (NHPRC) is the grantmaking arm of the National Archives and Records Administration (NARA). The NHPRC extends the National Archives mission to preserve and make accessible the nation's most important historical records by providing grants assistance to State/ local governments and nonprofit institutions as they carry out such preservation and access work. The Commission is the sole Federal granting entity in the nation whose exclusive focus is on preservation of and

increased access to the nation's historical records.

In an effort to improve our program mission, we are removing individuals from eligibility. We have found it is more effective for eligible institutions to offer professional opportunities and manage Federally-funded grant projects than for the NHPRC to award grants to individuals directly. We believe this action will make it less confusing and time consuming to those individuals searching for grant opportunities. Currently, we have only one program, Publishing Historical Records, in which individuals are eligible to apply. The last successful application from an individual in this area was in 2003. We have not received any eligible applications since then. Because of this, we feel that our customers recognize that they need institutional support to successfully complete such projects. The term "individuals" has been removed from §§ 1206.4, 1206.40, and 1206.54.

For our grant opportunity announcements, changing the posting time from four months to three months before the application deadline will give us greater flexibility to respond to changing needs, allowing us to offer better opportunities to our applicants. The change in the financial reporting form was required by the Office of Management and Budget, and is intended to make reporting easier for all Federal grantees.

The other revisions to the current regulations, adjustments to the order and format of the definitions section for consistency with other NARA regulations and minor typographical changes, are proposed for clarity and consistency in format with other NARA regulations.

This proposed amendment is not a significant regulatory action for the purposes of E.O. 12866. The proposed amendment is also not a major rule as defined in 5 U.S.C. Chapter 8, Congressional Review of Agency Rulemaking. As required by the Regulatory Flexibility Act, it is hereby certified that this proposed rule will not have a significant impact on small entities.

List of Subjects in 36 CFR Part 1206

Archives and records, Grant programs—education, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, NARA proposes to amend Title 36 of the Code of Federal Regulations, Part 1206, as follows:

PART 1206—NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

1. The authority citation for part 1206 continues to read as follows:

Authority: 44 U.S.C. 2104(a); 44 U.S.C. 2501–2506.

Source: 71 FR 27624, May 12, 2006, unless otherwise noted.

Subpart A—[Amended]

§ 1206.1 [Removed]

2. Section 1206.1 is removed.

§ 1206.2 [Redesignated as § 1206.1]

3. Redesignate § 1206.2 as § 1206.1.
4. Revise § 1206.3 to read as follows:

§ 1206.3 What definitions apply to the regulations in Part 1206?

As used in Part 1206:

Board refers to a State historical records advisory board.

Commission (see NHPRC).

Coordinator means the coordinator of a State historical records advisory board.

Cost sharing means the financial contribution the applicant pledges toward the total cost of a project. Cost sharing can include both direct and indirect expenses, contributions provided by the applicant or by third parties as in-kind or cash contributions, and any income earned directly by the project.

Direct costs means expenses that are attributable directly to the cost of a project, such as salaries, project supplies, travel expenses, equipment rented or purchased for the project, or services procured for the project.

Grant opportunity announcement refers to a document published on the NHPRC Web site and at <http://www.grants.gov> that describes a type of grant offered, eligibility requirements, and application instructions.

Guidance refers to a non-binding document published on the NHPRC Web site to clarify or explain Commission policy or to provide procedural details.

Historical records means documentary material having permanent or enduring value, including manuscripts, personal papers, official records, maps, audiovisual materials, and electronic files.

Historical records repository means organizations whose mission is to acquire, preserve, and promote the use of historical records. They include archives, special collections, museums, and historical societies.

Indirect costs means costs incurred for common or joint objectives of an

applicant's organization and therefore not attributable to a specific project or activity. Typically, indirect costs include items such as overhead for facilities maintenance and accounting services.

NHPRC means members of the National Historical Publications and Records Commission acting as a body.

NHPRC staff refers to the Executive Director and the staff of the Commission or the Executive Director of the Commission.

State, in §§ 1206.40 through 1206.42, means all 50 States of the Union, plus the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

The Manual of Suggested Practices refers to "The Manual of Suggested Practices for State Historical Records Advisory Boards." It is a type of guidance.

5. Revise § 1206.4 to read as follows:

§ 1206.4 What is the purpose of the Commission?

The National Historical Publications and Records Commission (NHPRC or Commission), a statutory body affiliated with the National Archives and Records Administration (NARA), supports a wide range of activities to preserve, publish, and encourage the use of primary documentary sources. Through the NHPRC's grant programs, training programs, and special projects, the Commission offers advice and assistance to State and local government agencies, non-Federal nonprofit organizations and institutions, and Federally-acknowledged or State-recognized Native American Tribes or groups committed to the preservation, publication, or use of United States documentary resources.

6. Amend § 1206.8 by revising paragraphs (b), (d) and (e) to read as follows:

§ 1206.8 How do you operate the grant program?

* * * * *

(b) The Commission establishes grant program priorities as reflected in its grant opportunity announcements and, from time-to-time, issues non-binding, clarifying guidance documents through the NHPRC Web site.

* * * * *

(d) The purpose and work plan of all NHPRC-funded grant projects must be in accord with current Commission program guidance as reflected in the grant opportunity announcements.

(e) The Commission makes funding recommendations to the Archivist of the

United States, who has the authority to award grants.

7. Amend § 1206.10 by revising paragraphs (b) and (c) to read as follows:

§ 1206.10 How do you make grant opportunities known?

* * * * *

(b) The NHPRC staff prepares grant opportunity announcements consisting of all information necessary to apply for each grant and publishes the announcements on the NHPRC Web site (<http://www.archives.gov/nhprc>) at least three months before the final application due date.

(c) The NHPRC staff publishes notice of each announcement on <http://www.grants.gov>, a Federal government Web site widely available to the public, at least three months before the final application due date.

8. Amend § 1206.12 by revising paragraph (a) to read as follows:

§ 1206.12 What are my responsibilities once I have received a grant?

(a) Comply with all Federal regulations about grants administration that are contained in § 1206.72.

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Subpart B—[Amended]

9. Amend § 1206.24 by revising paragraph (a) introductory text to read as follows:

§ 1206.24 What type of proposal is ineligible for a publications grant?

(a) The Commission does not support:

* * * * *

Subpart C—[Amended]

10. Amend § 1206.32 by revising paragraphs (a) and (b) introductory text to read as follows:

§ 1206.32 What type of proposal is eligible for a records grant?

(a) The Commission provides grants to historical records repositories for locating, preserving and encouraging use of records held by State, local, and other governmental units and private archives and collections of papers maintained in non-Federal, nonprofit repositories and special collections relating to the study of American history.

(b) The Commission provides support to historical records repositories and other institutions for:

* * * * *

11. Amend § 1206.34 by revising the introductory text to read as follows:

§ 1206.34 What type of proposal is ineligible for a records grant?

In addition to other programmatic limitations established by the Commission as found in the grant opportunity announcements, NHPRC does not support proposals:

* * * * *

Subpart D—[Amended]

12. Amend § 1206.40 by revising paragraph (a) to read as follows:

§ 1206.40 What is a State records program?

(a) Each State is eligible to receive NHPRC grants to support the work of the State historical records advisory board (board); to operate statewide historical records services; and to make sub-grants to eligible organizations within the State in support of historical records activities.

* * * * *

13. Amend § 1206.41 by revising paragraph (a) and the first and last sentences of paragraph (b) as follows:

§ 1206.41 What is a State historical records advisory board and how is it constituted?

(a) *Responsibilities.* The board is the central advisory body for historical records coordination within the State and for NHPRC State and local records projects within the State. The board engages in planning; it develops, revises, and submits to the Commission a State plan including priorities for State historical records projects following “The Manual of Suggested Practices.” The board reviews all State and local records projects within the State and makes recommendations for State projects to the Commission.

(b) * * * Each State participating in the NHPRC State program must adopt an appointment process and appoint a board following “The Manual of Suggested Practices.” * * * The board should be as broadly representative as possible of the public and private archives, records offices, and research institutions and organizations in the State.

14. Amend § 1206.42 by revising paragraph (a), the first two sentences of paragraph (b), and paragraph (c) to read as follows:

§ 1206.42 What is a State coordinator?

(a) *Duties.* The State coordinator (coordinator) is the officer responsible for the NHPRC State program. He or she reports the State board appointment process, membership and recommendations to the NHPRC at least on an annual basis and may serve as chair of the board and may perform

other duties following applicable State statute or regulation and “The Manual of Suggested Practices.”

(b) * * * The coordinator should be the full-time professional official in charge of the State archival program or agency, unless otherwise specified in State statute or regulation. The coordinator serves *ex officio*, unless otherwise specified in State statute or regulation. * * *

(c) *Replacement.* In the absence of a deputy coordinator, the State board may select an acting coordinator until another coordinator is appointed, in order to conduct the necessary business of the board.

§ 1206.43 [Amended]

15. Amend § 1206.43 by capitalizing the “S” in the word “State” in the heading and in the text.

16. Revise § 1206.44 to read as follows:

§ 1206.44 Who is eligible for sub-grants?

All organizations located within a State that has an active State historical records board and entities defined in § 1206.54 may be eligible, as determined by the board.

17. Amend § 1206.45 by revising the heading and paragraphs (a)(1), (b), and (c) to read follows:

§ 1206.45 What rules govern sub-grant distribution, cost sharing, grant administration, and reporting?

(a) * * *

(1) The distribution of re-grant funds;

* * * * *

(b) Each participating State is responsible for ensuring that the sub-grantees comply with Federal grant administration and reporting requirements.

(c) Each participating State must annually prepare a report to the NHPRC on its sub-grant program, following the requirements outlined in § 1206.80.

Subpart E—[Amended]

18. Amend § 1206.50 by revising the first two sentences of paragraph (a)(1) and the first sentence of paragraph (a)(2) to read as follows:

§ 1206.50 What types of funding and cost sharing arrangements does the Commission make?

(a) * * * (1) * * * A matching grant is a Federal grant awarded only after the applicant raises its share of non-Federal support for a project. We will match only funds raised from non-Federal sources, either monies provided by the applicant’s own institution specifically for the project or from a non-Federal third-party source. * * *

(2) * * * However, outright grants usually include a cost sharing requirement. * * *

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§ 1206.52 [Amended]

19. Amend § 1206.52 by removing the words “We describe” and adding in their place the words “The Commission describes.”

20. Revise § 1206.54 to read as follows:

§ 1206.54 Who may apply for NHPRC grants?

The Commission will consider applications from State government agencies in States where there is an active board; local government agencies; United States nonprofit organizations and institutions, including institutions of higher education; or Federally-acknowledged and State-recognized American Indian Tribes or groups.

21. Revise § 1206.56 to read as follows:

§ 1206.56 When are applications due?

The Commission generally meets twice a year, and considers grant proposals submitted by the deadlines set by the Commission. The deadlines are published in each grant opportunity announcement and at <http://www.grants.gov>. All proposals must be submitted by the published deadline.

22. Amend § 1206.58 by revising paragraphs (a), (b) introductory text, (b)(1)(i), (b)(1)(ii), and (b)(2), and by removing paragraphs (b)(1)(iii) and (b)(3) to read as follows:

§ 1206.58 Whom may I contact about applying for a grant?

(a) *Contact the NHPRC staff.* The Commission encourages you to discuss your proposal through correspondence, by phone, or in person with NHPRC staff.

(b) *Contact your State Historical Records Advisory Board as appropriate.* NHPRC encourages you to discuss your proposal with your State historical records coordinator at all stages of your proposal’s development and before you submit the proposal.

(1) * * *

(i) Your proposal is for publications or subvention projects; or

(ii) You are an American Indian Tribe.

* * * * *

(2) You will find the staff contacts and a list of State historical records coordinators on the Commission’s Web site at <http://www.archives.gov/nhprc>.

§ 1206.60 [Amended]

23. Amend § 1206.60 by removing the word “Web” and adding in its place the word “Web”.

24. Revise § 1206.64(a) to read as follows:

§ 1206.64 What formal notification will I receive, and will it contain other information?

(a) Successful grant applicants will receive a formal grant award document. The document and attachments specify terms of the grant. NHPRC staff notifies project directors informally of awards and any conditions soon after the Archivist approves the grants.

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Subpart F—[Amended]

§ 1206.70 [Amended]

25. Amend § 1206.70 by removing the second sentence.

26. Amend § 1206.72 by revising paragraph (a) to read as follows:

§ 1206.72 What are, and where can I find, the regulatory requirements that apply to NHPRC grants?

(a) In addition to this Part 1206, NARA has issued other regulations that apply to NHPRC grants in 36 CFR Parts 1200 to 1212 and 2 CFR Part 2600.

NARA also applies the principles and standards in the following regulations and Office of Management and Budget (OMB) Circular for NHPRC grants:

(1) 2 CFR Part 220 Cost Principles for Educational Institutions (OMB Circular A–21);

(2) 2 CFR Part 225 Cost Principles for State, Local, And Indian Tribal Governments (OMB Circular A–87);

(3) 2 CFR Part 230 Cost Principles for Non-Profit Organizations (OMB Circular A–122); and

(4) OMB Circular A–133, “Audits of States, Local Governments, and Nonprofit Organizations.” This circular is available at http://www.whitehouse.gov/omb/circulars_default.

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§ 1206.74 [Amended]

27. Amend § 1206.74 by removing the word “Commission” and by adding “NHPRC” in its place.

28. Revise § 1206.76 to read as follows:

§ 1206.76 May I receive an extension to my grant project?

Yes, requests for extensions of the grant period should be signed by the grantee’s authorized representative and submitted not more than two months before the scheduled end of the grant period. The NHPRC will not allow extensions unless a project is up-to-date in its submission of financial and narrative reports.

§ 1206.80 [Amended]

29. Amend § 1206.80(a) by removing the word “status” from between the words “financial” and “reports.”

30. Revise § 1206.82 to read as follows:

§ 1206.82 What is the format and content of the financial report?

Grant recipients must submit financial reports on Standard Form 425 and have them signed by the grantee’s authorized representative or by an appropriate institutional fiscal officer.

31. Amend § 1206.84 by revising the second sentence of paragraph (a) and removing paragraph (c) to read as follows:

§ 1206.84 What is the format and content of the narrative report? [Amended]

(a) * * * The report should include a summary of project activities; whether the project proceeded on schedule; any revisions of the work plan, staffing pattern, or budget; any Web address created by the project; and any other press releases, articles, or presentations relating to the grant project or its products. * * *

* * * * *

32. Revise § 1206.86 to read as follows:

§ 1206.86 What additional materials must I submit with the final narrative report?

You must submit the materials required in the NHPRC grant announcements and in the grant award document.

33. Amend § 1206.88 by removing the phrase “the National Archives and Records Administration (NARA)” and by adding “NARA” in its place.

Dated: March 31, 2010.

David S. Ferriero,

Archivist of the United States.

[FR Doc. 2010–7779 Filed 4–6–10; 8:45 am]

BILLING CODE 7515–01–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 17 and 59

RIN 2900–AN57

Updating Fire Safety Standards

AGENCY: Department of Veterans Affairs.
ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) proposes to amend its regulations concerning community residential care facilities, contract facilities for certain outpatient and residential services, and State home facilities to update the standards for VA

approval of such facilities, including standards for fire safety and heating and cooling systems. The proposed amendments would help ensure the safety of veterans in the affected facilities.

DATES: Comments on the proposed rule must be received by VA on or before June 7, 2010.

ADDRESSES: Written comments may be submitted through <http://www.regulations.gov>; by mail or hand-delivery to the Director, Regulations Management (02REG), Department of Veterans Affairs, 810 Vermont Avenue, NW., Room 1068, Washington, DC 20420; or by fax to (202) 273–9026. Comments should indicate that they are submitted in response to “RIN 2900–AN57—Updating Fire Safety Standards.” Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment. (This is not a toll-free number.) In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Brian McCarthy, Office of Patient Care Services, Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Ave., NW., Washington, DC 20420, 202–461–6759. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: This document proposes to update VA’s regulations concerning the codes and standards applicable to community residential care facilities, contract facilities for outpatient and residential treatment services for veterans with alcohol or drug dependence or abuse disabilities, and State homes. Currently, 38 CFR 17.63(a)(2), 17.81(a)(1), 17.82(a)(1), and 59.130(d)(1) require facilities to meet the requirements in certain provisions of specific editions of publications produced by the National Fire Protection Association (NFPA). These publications are: NFPA 10, Standard for Portable Fire Extinguishers; NFPA 99, Standard for Health Care Facilities; NFPA 101, Life Safety Code; and NFPA 101A, Guide on Alternative Approaches to Life Safety. These publications are currently incorporated by reference into §§ 17.63, 17.81, 17.82, and 59.130. However, these sections need to be updated to reflect the current editions of these publications. In addition, specific chapters of NFPA 101 that are cited in