

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION****Sunshine Act Meeting**

February 15, 2006.

**TIME AND DATE:** 10 a.m., Thursday, February 23, 2006.

**PLACE:** The Richard V. Backley Hearing Room, 9th Floor, 601 New Jersey Avenue, NW., Washington, DC.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** The Commission will consider and act upon the following in open session: *Secretary of Labor v. Plateau Mining Corp.*, Docket Nos. WEST 2002-207 and WEST 2002-278. (Issues include whether the judge correctly determined that Plateau's bleeder system was not functioning in accordance with the requirements of 30 CFR 75.334(b)(1); that Plateau's alleged violation of section 75.334(b)(1) was of a significant and substantial nature; that Plateau violated 30 CFR 75.370(a) because its ventilation plan did not include a breached undercast; and that an operator may be held to have violated section 75.334(b)(1) even if it has complied with the terms of its ventilation plan.)

Any persons attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs, subject to 29 CFR 2706.150(a)(3) and § 2706.160(d).

**CONTACT PERSON FOR MORE INFO:** Jean Ellen, (202) 434-9950 / (202) 708-9300 for TDD Relay / 1-800-877-8339 for toll free.

**Jean H. Ellen,**  
Chief Docket Clerk.

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BILLING CODE 6735-01-M

**NATIONAL ARCHIVES AND RECORDS ADMINISTRATION****Office of Presidential Libraries;  
Proposed Disposal of Clinton Administration****Electronic Backup Tapes**

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Presidential Records Act notice of proposed disposal of Clinton Administration PROFS backup tapes; final agency action.

**SUMMARY:** The National Archives and Records Administration (NARA) has identified an obsolete series of Clinton PROFS backup tapes maintained by the

National Security Council, housed at the National Archives at College Park, Maryland, as appropriate for disposal under the provisions of 44 U.S.C. 2203(f)(3). This notice describes the Presidential record information on these backup tapes and our reasons for determining that these backup tapes have insufficient administrative, historical, informational, or evidentiary value to warrant their continued preservation. This decision is made in light of the fact that there has been an extensive tape restoration project done on these backup tapes and the recovered record information is being maintained by NARA in a separate set of permanent tapes.

**DATES:** *Effective Date:* The disposal will occur on or after April 25, 2006.

**FOR FURTHER INFORMATION CONTACT:** Assistant Archivist for Presidential Libraries Sharon K. Fawcett, National Archives and Records Administration, Suite 2200, 8601 Adelphi Road, College Park, Maryland 20740-6001; tel. 301-837-3250, or by fax to 301-837-3199; or by e-mail to [sharon.fawcett@nara.gov](mailto:sharon.fawcett@nara.gov).

**SUPPLEMENTARY INFORMATION:** NARA published a "Presidential Records Act notice of proposed disposal of Clinton Administration PROFS backup tapes containing redundant information" on May 3, 2005, in the **Federal Register** (70 FR 22926) for a 45 day comment period. NARA received four written comments from representatives of the Maryland State Archives, The Information Trust, Public Citizen Litigation Group, and the National Security Archive. In addition, NARA staff met with representatives of the latter three organizations on May 25, 2005, to discuss the FR notice. The following is a summary of the comments and NARA's response.

**Summary of Comments**

Three of the commenters found the original notice confusing as to what materials are being proposed for disposition, and asked that NARA more precisely clarify the scope of the proposed disposition action in a further notice. In particular, these commenters asked for confirmation of the following in the second notice:

1. Clarification that the notice for disposal applies only to PROFS back up tapes maintained by the National Security Council (NSC), and that another series of Clinton Administration NSC e-mail, the main system used during the Clinton Administration for archiving Clinton NSC emails, as well as the email backups for this system will continue to be preserved;

2. NARA specify at greater length what applications were used on the

PROFS system during the Clinton Administration and by whom; and

3. That NARA describe the appraisal that staff conducted to determine whether the material was appropriate for disposition, including whatever comparisons were made of the data subject to this notice with data otherwise being permanently preserved at NARA.

4. Finally, one commenter also asked for technical information, including the type of tape media used, the nature of the tape restoration project, as well as the contents of any inventories of the tapes.

**NARA Response**

In response to the questions that were raised, NARA wishes to clarify that:

1. *Clarification on disposal notice:*  
NARA proposes only the disposition of Clinton Presidential electronic records on 9,193 class 3480 magnetic tape cartridges, containing backup formatted records of calendars, call logs, notes and documents created using IBM proprietary Professional/Office Vision software (PROFS). This series includes calendars and call logs from January 20, 1993 through January 2001 created by a limited number of NSC staff persons who had access to the PROFS software. Further, this series includes notes and documents from January 20, 1993 through June 30, 1993 created by those NSC staff members who had access to and used the PROFS software.

The PROFS system was not the primary email application available to NSC staff during the Clinton administration. Most staff used the NSC Classified Email System known as "A-1" or "All-in-One," later migrated to Microsoft Mail and Microsoft Schedule. NARA retains official record copies in electronic form of an estimated 2-3 million classified e-mails from the A-1 and Microsoft Mail system. The body of e-mail and backup tapes that correspond to this separate email system are being maintained by NARA and are not affected by the proposed notice.

NARA proposes this disposal because NARA continues to maintain 45 tapes created through an extensive NSC Tape Restoration Project (TRP) undertaken as a result of the *Armstrong* litigation. These tapes include all PROFS notes and documents created between January 20, 1993 and June 30, 1993, as well as all PROFS calendar and call log information for the period of time between January 20, 1993 and March 28, 1994. Further, the TRP also restored PROFS calendar and call log information for all PROFS calendar users through calendar year 1995.