

significant quantities of records destroyed. A fire in a commercial records storage facility in Chicago on October 29, 1996, resulted in the loss of over 220,000 boxes of records. The wet pipe sprinkler system was reported to be ordinary hazard, group II, with no sprinklers under the catwalks in 28 foot-high shelving. Preliminary estimates placed the loss at 50 million dollars or more. More than a million boxes of documents were destroyed in three March 1997 fires at a nationwide records storage company's two facilities in an industrial park in South Brunswick, New Jersey. And a May 6, 1997, fire near Scranton, PA destroyed another commercial center that stored 450,000 cubic feet of paper and microfilm records. In comparison, the two recent fires at NARA's Washington National Records Center in Suitland, MD, demonstrated that NARA's fire protection and suppression system does provide the level of fire safety required by the NARA standard in Subpart K. The first fire resulted in loss of 50 or fewer cubic feet of records from fire. The loss from the second fire was limited to no more than 10 cubic feet of records.

NARA fire safety requirements are based on extensive live fire testing conducted by nationally recognized independent laboratories. These tests demonstrate conclusively that the NARA standards are effective and practical. NARA has authorized the unlimited publication of the test reports. To our knowledge, no other U. S. provider of records storage services has conducted any such independent tests; at least no reports have been published. The NARA standards also reflect the National Fire Protection Association's advisory *Guide for Fire Protection for Archives and Records Centers (NFPA/ANSI 232A-1995)*, the most widely accepted documentation of commercial best practices. (The National Fire Protection Association has recently voted to change the advisory guide to a mandatory standard.)

The related Iron Mountain comment that NARA had conducted a fire test subsequent to the final rule that used the widely accepted industry fire suppression standards was misinformed. NARA's successful fire test of 28-foot high storage, conducted by the independent Southwest Research Institute, did not use the widely accepted industry practice of ceiling-only sprinklers. Instead, NARA used sprinklers at three levels: under the first catwalk at approximately 16 feet; under the second catwalk at approximately 24 feet, and at the ceiling. The test fire was controlled by the under-catwalk

sprinklers and the ceiling sprinklers never activated.

NARA Regulation is Inconsistent With Acquisition Reform Initiatives

DoD, CSA, and the Coalition also commented that the final rule is inconsistent with the Government's acquisition reform efforts to eliminate government unique standards, such as military specifications in favor of commercial standards and best practices. We do not view the records center regulation as contravening or impeding the Government's acquisition reform initiative. As discussed in the previous sections of this **SUPPLEMENTARY INFORMATION**, there is no clear ANSI-approved industry fire-safety standard for records centers that could be used in place of the NARA standard. It is important to realize that with regard to fire safety and security issues, the new regulation was written as a performance standard, rather than a prescriptive standard, and replaced Government-specific (MIL-SPEC and FED-STD) references with ANSI-approved references. We also took extensive steps to assure full industry review and comment, as noted in the **SUPPLEMENTARY INFORMATION** section of the December 2, 1999, final rule.

Other Comments

Several of the commenters either enclosed copies of comments that had been submitted in response to the proposed rule, or repeated their earlier comments. These comments generally concerned issues of cost and competition, and were addressed in the December 2, 1999, final rule. The DoD comment indicated a concern that NARA was both the arbiter of the standards and a competitor in the marketplace. While we appreciate the concern, NARA has taken action to assure that the two functions remain separate.

Conclusion

After carefully reviewing the comments received in response to the invitation for public comment on §§ 1228.234, 1228.236, and 1228.238, we determined that these three provisions do not require further amendment to carry out their intended purpose: to allow Federal agencies and the commercial records storage industry more flexibility in meeting the NARA requirements.

Dated: June 23, 2000.

John W. Carlin,

Archivist of the United States.

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LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 201 and 202

[Docket No. RM 2000-5]

Copyright Rules and Regulations: Copyright, Registration of Claims to Copyright

AGENCY: Copyright Office, Library of Congress.

ACTION: Final rule; technical amendments.

SUMMARY: The Copyright Office has reviewed its regulations and found non-substantive errors in its general copyright provisions and its rules governing registration of claims to copyright. This document contains technical amendments to correct these errors.

EFFECTIVE DATE: June 28, 2000.

FOR FURTHER INFORMATION CONTACT:

Marilyn J. Kretsinger, Assistant General Counsel, Copyright GC/I&R, PO Box 70400, Southwest Station, Washington DC 20024. Telephone: (202) 707-8380. Fax: (202) 707-8366.

SUPPLEMENTARY INFORMATION: The Copyright Office recently conducted an extensive review of Parts 201 and 202 of its regulations. This document is published to update and correct minor errors in the text to these parts as published in the Code of Federal Regulations.

List of Subjects

37 CFR Part 201

Copyright.

37 CFR Part 202

Claims, Copyright.

Final Rule

For the reasons set forth in the preamble, 37 CFR Chapter II is amended by making the following corrections and amendments:

PART 201—GENERAL PROVISIONS

1. The authority citation for Part 201 continues to read as follows:

Authority: 17 U.S.C. 702.

§ 201.1 [Amended]

2. In § 201.1, paragraph (a) remove the “.” (period) after “SE”.

3. In § 201.1, paragraphs (c) and (d) are revised to read as follows:

§ 201.1 Communications with the Copyright Office.

* * * * *

(c) *Copies of records or deposits.* Requests for copies of records or deposits should be addressed to the Library of Congress, Copyright Office, Certifications and Documents Section, LM-402, 101 Independence Avenue, SE, Washington, DC 20559-6000.

(d) *Search of records.* Requests for searches of registrations and recordations in the completed catalogs, indexes, and other records of the Copyright Office should be addressed to the Library of Congress, Copyright Office, Reference and Bibliography Section, LM-450, 101 Independence Avenue, SE, Washington, DC 20559-6000.

§ 201.3 [Amended]

4. In § 201.3(d)(11)(v), remove the “.” (period) after the “:” (colon).

5. In the heading to the table in § 201.3(e), remove “division” and add “Division” in its place.

§ 201.4 [Amended]

6. In § 201.4(a)(1)(iv), revise “17 U.S.C” to read “17 U.S.C.”.

7. In § 201.4(c)(2)(ii), add “title” after “recordable under this”.

8. In § 201.4(a)(1), (2) and (3)(i), remove “Title” and add “title” in its place.

9. In § 201.4, paragraph (d) is revised to read as follows:

§ 201.4 Recordation of transfers and certain other documents.

* * * * *

(d) *Fees.* The fees for recordation of a document are prescribed in § 201.3(c).

* * * * *

§ 201.5 [Amended]

10.–11. In § 201.5(c)(1)(viii)(C), add a “,” (comma) after “other copyright claimant.”

12. In § 201.5(c)(2), remove “.” (period) after “SE”.

§ 201.7 [Amended]

13. In § 201.7(c)(4)(iii), remove the excess space after “(iii)”.

14. In § 201.7(c)(4)(ix), add a “,” (comma) after “January 1, 1978”.

15. In § 201.7(d), add a “,” (comma) after “information or deposit copy”.

§ 201.25 [Amended]

16. In § 201.25(d), remove “statement” after “Visual Arts Registry” and add “Statement” in its place.

17. In § 201.25(f), add the heading “Effect of recordation.”

§ 201.26 [Amended]

18. In § 201.26(g)(3), add “–4260” after “20540”.

§ 201.35 [Amended]

19. In § 201.35(f), remove the period “.” after “SE”.

§ 201.36 [Amended]

20. In § 201.36(c), last sentence, (f) and (g) introductory text, remove “use” after “Reports of” and add “Use” in its place.

§ 201.37 [Amended]

21. In the heading to § 201.37(b), add an “s” to the word “Definition”.

PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

22. The authority citation for Part 202 continues to read as follows:

Authority: 17 U.S.C. 408, 702.

§ 202.3 [Amended]

23. In § 202.3(b)(3)(i)(A), remove “A” and add “a” after “published works:”.

§ 202.17 [Amended]

24. In § 202.17(g)(2)(i), remove “duty” and add “duly” in its place.

§ 202.23 [Amended]

25. In § 202.23(d), add “or” after “deposit made on”; add a “,” (comma) after “1978”.

Dated: June 20, 2000.

Marilyn J. Kretsinger,
Assistant General Counsel.

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LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 203, 204, 251, 252, 256, 257, 259, 260

[Docket No. 2000–5A]

Freedom of Information Act, Privacy Act, and Copyright Arbitration Royalty Panel: Policies and Procedures

AGENCY: Copyright Office, Library of Congress.

ACTION: Final rule; technical amendments.

SUMMARY: The Copyright Office is making non-substantive housekeeping amendments to its regulations to update them and to correct minor errors.

EFFECTIVE DATE: June 28, 2000.

FOR FURTHER INFORMATION CONTACT: Marilyn J. Kretsinger, Assistant General Counsel, Copyright Office GC/I&R, PO Box 70400, Southwest Station, Washington, DC 20024. Telephone: (202)707–8380. Telefax: (202)707–8366.

SUPPLEMENTARY INFORMATION: The Copyright Office periodically reviews its

regulations as published in the Code of Federal Regulations (CFR) to correct minor and typographical errors in the published text. The Office has identified such errors in the currently published rules and makes corrections now. In addition, some corrections, such as the time allotted an agency to respond to a request under the Privacy Act, and the time in which an appeal must receive response, are changes made to conform the Office’s regulations to the Privacy Act of 1974, which is part of the Administrative Procedure Act, 5 U.S.C. 552(a).

The following sections are amended to correct these errors: Secs. 203.3(a), 203.3(b)(2), 203.3(g), 203.4(c), 203.4(d), 203.4(f), 203.4(g), 204.4(a), 204.4(c), 204.5(a), 204.4(c), 204.7(a), 204.7(b), 204.8(a), and 204.8(b).

List of Subjects

37 CFR Part 203

Freedom of information.

37 CFR Part 204

Privacy.

Final Rule

Accordingly, 37 CFR chapter II is amended by making the following corrections and amendments.

PART 203—FREEDOM OF INFORMATION ACT: POLICIES AND PROCEDURES

1. The authority citation for part 203 continues to read as follows:

Authority: 17 U.S.C. 702; 5 U.S.C. 552, as amended.

§ 203.3 [Amended]

2. Section 203.3(a) is amended by removing “and” after “legal” and adding a “,” (comma) in its place.

3. Section 203.3(b)(2) is amended by removing “whether the materials” and adding in its place “whether the material”, and by removing “constitute” and adding “constitutes” in its place.

4. Section 203.3(g) is amended by removing “SE.” and adding in its place “SE”.

§ 203.4 [Amended]

5. Section 203.4(c) is amended by removing “SE.” and adding in its place “SE”; and by adding a comma after “Friday”.

6. Section 203.4(d) is amended by adding “–6000” after “20559”; and by removing “SE.” and adding in its place “SE”.

7. Section 203.4(f) introductory text is amended by removing “S.E.” and adding in its place “SE”; and by adding a “.” (period) after “DC” and before “Office hours are”.