

longer designated as a temporary anchorage area and its use is discontinued.

2. On March 30, 1967, a special notice was published by the District Engineer, New Orleans District, Corps of Engineers, Department of the Army, in Navigation Bulletin No. 67-53, proposing changes in temporary anchorage areas between mile 166.0 AHP and mile 170.5 AHP, Mississippi River. Interested persons were invited to file written comments about this proposal. No objections to the proposal were received. Transfer of authority and responsibility for anchorage areas to the Department of Transportation has been effected and assigned to the U.S. Coast Guard.

3. On September 5, 1967, a special notice was published by Commander, 8th Coast Guard District, New Orleans, La., proposing changes in temporary anchorage areas between mile 87.5 AHP and mile 82.7 AHP, Mississippi River. Interested persons were invited to file written comments about this proposal. A hearing open to all interested parties was held at 1400, October 12, 1967, at the office of the Commander, 8th Coast Guard District, Custom House, New Orleans, La. No objections to the proposed changes were received.

4. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 632 and the delegation in 49 CFR 1.4(a)(3) of the Secretary of Transportation under 49 U.S.C. 1655 (g)(1), the text of § 110.195(a)(6) is amended to read as follows, and shall become effective on the date of publication of this document in the FEDERAL REGISTER:

**§ 110.195 Mississippi River below Baton Rouge, La., including South and Southwest Passes.**

(a) \* \* \*

(6) *Temporary anchorages, Baton Rouge, New Orleans to Head of Passes. Vessels awaiting berthing at riverside wharves between Head of Passes and mile 233 above Head of Passes will anchor in a manner and area as prescribed by the District Commander.*

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1), 80 Stat. 940; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1); 49 CFR 1.4(a)(3))

Dated: March 15, 1968.

P. E. TRIMBLE,  
Vice Admiral, U.S. Coast Guard,  
Acting Commandant.

[F.R. Doc. 68-3463; Filed, Mar. 21, 1968;  
8:45 a.m.]

## Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

### Chapter 11—Coast Guard, Department of Transportation

[CGFR 67-94]

#### MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to authority vested in me as Commandant, U.S. Coast Guard, by 49 CFR 1.4:

## PART 11-1—GENERAL

### Subpart 11-1.3—General Policies

1. Section 11-1.352 is revised to read as follows:

#### § 11-1.352 Industrial security.

Pursuant to Executive Order 10865, an agreement between the Department of Defense and the Department of Transportation was executed on June 1, 1967, which provides for inclusion of the Transportation Department as a "user agency" in the program. The Office of Security and Investigations of the Department of Transportation has been designated as Transportation Department liaison for industrial security matters. The Defense Supply Agency will perform all cognizant security office functions prescribed by the regulations in behalf of all user agencies. Coast Guard contracting officers will perform the functions specified in, and will have the authority and responsibilities prescribed by Department of Defense Industrial Security Regulations (DoD 5220.22R), and Department of Defense Industrial Security Manual (DoD 5220-22M), except when the administrative contracting officer functions are delegated or assigned to the Defense Supply Agency.

### Subpart 11-1.8—Labor Surplus Area Concerns

1. Section 11-1.807 is revised to read as follows:

#### § 11-1.807 Report on preference procurement in labor surplus areas.

Reports required by § 1-1.807 will be forwarded to the Commandant (FS) within 20 work days after the close of each reporting period identified by Reports Control Symbol FS-6131. The Commandant (FS) will submit a consolidated report for the Coast Guard to the Department of Transportation (Director of Logistics and Procurement Policy) by the 35th work day after the close of each reporting period. Negative reports are required.

### Subpart 11-1.9—Reporting Possible Antitrust Violations

#### § 11-1.901 [Amended]

1. Section 11-1.901 *General* is amended by changing in the third sentence the phrase from "the Attorney General of the United States" to "the Department of Transportation (Director of Logistics and Procurement Policy)."

### Subpart 11-1.16—Report of Identical Bids

1. Section 11-1.1603-3 is revised to read as follows:

#### § 11-1.1603-3 Submission of reports.

Identical bid reports required in § 1-1.1603-3 will be submitted with three additional copies to the Commandant (FS) for required distribution.

## PART 11-3—PROCUREMENT BY NEGOTIATION

### Subpart 11-3.2—Circumstances Permitting Negotiation

#### § 11-3.211 [Amended]

1. Section 11-3.211 *Experimental, development, or research work* is amended by changing in paragraph (b) the phrase from "the Secretary of the Treasury" to "the Secretary of Transportation" and in paragraph (c) (1) the phrase from "the Secretary of Treasury" to "the Department of Transportation (Director of Logistics and Procurement Policy)."

#### § 11-3.212 [Amended]

2. Section 11-3.212 *Purchases not to be publicly disclosed* is amended by changing the phrase from "the Secretary of the Treasury" to "the Secretary of Transportation."

#### § 11-3.213 [Amended]

3. Section 11-3.213 *Technical equipment requiring standardization and interchangeability of parts* is amended by changing the phrase from "the Secretary of the Treasury" to "the Secretary of Transportation."

#### § 11-3.214 [Amended]

4. Section 11-3.214 *Negotiation after advertising* is amended by changing in paragraphs (a) and (b) the phrase from "the Secretary of the Treasury" to "the Secretary of Transportation."

#### § 11-3.250 [Amended]

5. Section 11-3.250 *Technical or specialized supplies requiring substantial initial investment or extended period of preparation for manufacture* is amended by changing in paragraph (c) the phrase from "the Secretary of the Treasury" to "the Secretary of Transportation."

#### § 11-3.251 [Amended]

6. Section 11-3.251 *Purchases in the interest of national defense or industrial mobilization* is amended by changing in paragraph (d) the phrase from "the Secretary of the Treasury" to "the Secretary of Transportation."

### Subpart 11-3.3—Determinations, Findings and Authorities

#### § 11-3.300 [Amended]

1. Section 11-3.300 *Scope of subpart* is amended by changing the phrase from "the Secretary of the Treasury" to "the Secretary of Transportation."

## PART 11-12—LABOR

### Subpart 11-12.4—Labor Standards in Construction Contracts

1. Section 11-12.404-8 is added, reading as follows:

#### § 11-12.404-8 Reports of violations.

(a) *Enforcement reports.* Reports of violations required by § 1-12.404-8(a) of this title shall be submitted via the Commandant (CL) for review and processing.

(b) *Semiannual enforcement reports.* Reports (Reports Control Symbol FS-6150) shall be prepared semiannually to cover the periods January 1 through June 30, and July 1 through December 31 of each year. District commanders and commanding officers of Headquarters units will submit their reports, in an original only, to Commandant (FS) prior to July 15 and January 15 for consolidation and submission of a Coast Guard report, in an original only, to the Department of Transportation (Director of Logistics and Procurement Policy) prior to July 25 and January 25.

## PART 11-16—PROCUREMENT FORMS

### Subpart 11-16.8—Miscellaneous Forms

1. In § 11-16.804 paragraph (b) is revised to read as follows:

§ 11-16.804 Report on procurement by civilian executive agencies.

(b) *Frequency and due date.* Reports (Reports Control Symbol FS-6129) shall be prepared semiannually to cover the periods January 1 through June 30, and July 1 through December 31 of each year. The district office report will include data compiled from district unit reports. District commanders and commanding officers of Headquarters units will submit their reports, in an original only, to Commandant (FS) prior to July 15 and January 15 for consolidation and submission of a Coast Guard report, in an original only, to the Department of Transportation (Director of Logistics and Procurement Policy) prior to August 1 and February 1.

Dated: March 7, 1968.

[SEAL] W. J. SMITH,  
Admiral, U.S. Coast Guard,  
Commandant.

[F.R. Doc. 68-3484; Filed, Mar. 21, 1968;  
8:47 a.m.]

## Chapter 101—Federal Property Management Regulations

### SUBCHAPTER B—ARCHIVES AND RECORDS

#### PART 101-7—NATIONAL ARCHIVES

#### PART 101-9—FEDERAL RECORDS CENTERS

#### PART 101-10—PRESIDENTIAL LIBRARIES

##### Deletion of Parts

This amendment deletes Parts 101-7, 101-9, and 101-10 from Chapter 101. The subject matter formerly in these parts has been revised and consolidated in Part 105-61 of Chapter 105 (General Services Administration) of Title 41, Code of Federal Regulations.

1. The table of contents for Subchapter B is amended by deleting all entries for Parts 101-7, 101-9, and 101-10 and by substituting therefor the new part designations "Reserved," as follows:

Part 101-7 [Reserved]  
Part 101-9 [Reserved]  
Part 101-10 [Reserved]

2. Part 101-7 of Chapter 101 is deleted.

Part 101-7 [Reserved]

3. Part 101-9 of Chapter 101 is deleted.

Part 101-9 [Reserved]

4. Part 101-10 of Chapter 101 is deleted.

Part 101-10 [Reserved]

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

*Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: March 15, 1968.

J. E. MOODY,  
Acting Administrator  
of General Services.

[F.R. Doc. 68-3458; Filed, Mar. 21, 1968;  
8:45 a.m.]

## Chapter 105—General Services Administration

### SUBCHAPTER B—ARCHIVES AND RECORDS

#### MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following regulations revise procedures applicable to the General Services Administration and the public regarding (1) requests for identifiable records by the public pursuant to 5 U.S.C. 552 (the "Freedom of Information Act") and subpoenas or other legal demands with respect to records held by GSA, and (2) the public use of archives, Federal record center records, and donated historical materials, as well as certain structural facilities, under the management and administration of the National Archives and Records Service, GSA.

#### PART 105-60—PUBLIC AVAILABILITY OF AGENCY RECORDS AND INFORMATIONAL MATERIALS

Section 105-60.000 is revised to clarify the scope of Part 105-60 so as to indicate coverage of records managed and administered by GSA as well as current operating records. As revised, the section reads as follows:

§ 105-60.000 Scope of part.

This part sets forth policies and procedures concerning the disclosure and availability to the public of records and information held by GSA with respect to: (a) Agency organization, functions, decisionmaking channels, and rules and regulations of general applicability, (b) agency final opinions and orders, including policy statements and staff manuals, (c) operational and other appropriate agency records, and (d) agency proceedings. The part also covers exemptions from disclosure of such materials, procedures for the guidance of the public in obtaining information and inspecting records, service of subpoena or other legal demand with respect to records, and authentication and attestation of record copies.

#### Subpart 105-60.1—General Provisions

1. Section 105-60.104(a) (3) is added to indicate expressly that donated historical materials accepted by GSA from a source other than an agency of the United States Government in accordance with 44 U.S.C. 397 are not subject to the provisions of the "Freedom of Information Act." As added, the section reads as follows:

§ 105-60.104 Definitions.

(a) \* \* \*

(3) Donated historical materials (as defined in § 105-61.001-4) accepted by GSA from a source other than an agency of the U.S. Government in accordance with the provisions of 44 U.S.C. 397.

2. Section 105-60.106 is revised to refer specifically to the application of the executive privilege disclosure exemption to requests for information from the Congress. As revised, the section reads as follows:

§ 105-60.106 Congressional information.

Nothing in this Part 105-60 authorizes withholding information from the Congress except where executive privilege is invoked by the President (see § 105-60.603).

3. Section 105-60.107 is revised to clarify procedures with respect to requests for records of other agencies, held by GSA. As revised, the section reads as follows:

§ 105-60.107 Records and informational materials of other agencies.

(a) *Other agencies' records managed and administered by GSA.* The availability of records of other agencies located in the National Archives of the United States and Federal records centers are governed by Part 105-61 (Public Use of Records, Donated Historical Materials, and Facilities in the National Archives and Records Service).

(b) *Current records of other agencies.* If a request is submitted to GSA to make available current records or informational materials which are the primary responsibility of other agencies, but which are in GSA for review purposes, the request will be referred by GSA to the agency concerned for instructions, unless prior instructions have been received from the agency.

4. Section 105-60.109 is added to establish procedures to be followed where it is believed that the records requested may be involved in litigation or other judicial process in which the United States is a party, including discovery procedures pursuant to the Federal Rules of Civil Procedure or the Federal Rules of Criminal Procedure. As added, the new section reads as follows:

§ 105-60.109 Records involved in litigation or other judicial process.

Where there is reason to believe that any records requested may be involved in litigation or other judicial process in

which the United States is a party, including discovery procedures pursuant to the Federal Rules of Civil Procedure or Federal Rules of Criminal Procedure, the request shall be referred to appropriate legal counsel for immediate coordination with the Department of Justice. Pending receipt of advice from that Department, the records involved shall not be made available.

#### Subpart 105-60.4—Identifiable Records

Subpart 105-60.4 is amended by changing the caption from "Agency Records" to "Identifiable Records" and by revising §§ 105-60.401, 105-60.402, and 105-60.402-1(a), as follows:

1. Section 105-60.401 is revised to reference certain procedures under Part 105-61 pertaining to the public availability of records transferred to the National Archives and Records Service, GSA, and to cross-reference § 105-60.109. As revised, the section reads as follows:

##### § 105-60.401 General.

Except with respect to the records made available pursuant to Subparts 105-60.2 and 105-60.3, identifiable records requested in accordance with § 105-60.402, or in accordance with § 105-61.101 or § 105-61.104, will be made promptly available to any person by GSA, unless nondisclosure is invoked pursuant to § 105-60.105-2. While the burden of identification rests with the person seeking the record, GSA will assist to the extent practicable in this regard. Where it is believed that records requested may be involved in litigation or other judicial process in which the United States is a party, the procedures set forth under § 105-60.109 shall be followed.

2. Section 105-60.402 is revised to set forth the scope of coverage of the section. The revision specifies that records transferred to the National Archives and Records Service, GSA, are subject to procedures under Part 105-61 and are not within the scope of § 105-60.402. The revision also provides cross-references to procedures in Part 105-61 applicable to the public use of records transferred to the National Archives and Records Service. As revised, the section reads as follows:

##### § 105-60.402 Procedures for making records available.

This section sets forth initial procedures for making identifiable records available when requested. These procedures do not apply to records that have been transferred to the National Archives and Records Service in accordance with the Federal Records Act of 1950 (44 U.S.C. 392-401), which include "archives" and "FRC records" (as defined in §§ 105-61.001-2 and 105-61.001-3). The initial procedures on availability of such records are governed by Part 105-61 (see §§ 105-61.101 and 105-61.104).

3. Section 105-60.402-1(a) is revised to clarify instructions regarding the GSA office to which requests for identifiable records shall be submitted by the

public and to delete obsolete references to the National Archives and Records Service. As revised, the section reads as follows:

##### § 105-60.402-1 Submission of requests for identifiable records.

(a) With respect to identifiable records located in the GSA Central Office, requests shall be submitted, in writing or in person, to the Director of Information, Office of the Administrator, General Services Administration, Washington, D.C. 20405. With respect to identifiable records located in the GSA regional offices, requests shall be submitted to the Regional Director of Business Affairs for the particular region involved at the address listed in § 105-60.303(a).

#### Subpart 105-60.6—Exemptions

1. Section 105-60.603 is revised to clarify procedures involving the applicability of the executive privilege exemption regarding disclosure of records in judicial or adjudicatory proceedings. As revised, the section reads as follows:

##### § 105-60.603 Executive privilege exemption.

On signing Public Law 89-487, the President stated "Moreover, this bill in no way impairs the President's power under our Constitution to provide for confidentiality when the national interest so requires" (2 Weekly Compilation of Presidential Documents 895, July 11, 1966). Where application of the executive privilege exemption is desired, the matter shall be forwarded to the Administrator for consideration. If the request for information is Congressional, only the President may invoke the exemption. Presidential approval is not necessarily required where the request for information is in connection with judicial or adjudicatory proceedings or otherwise. In connection with judicial proceedings, the response shall be coordinated with the Department of Justice.

2. Section 105-60.604(b) (8) is revised to correct obsolete cross-references. As revised, it reads as follows:

##### § 105-60.604 Other statutory exemptions.

(b) \* \* \* (8) 44 U.S.C. 397 (nondisclosure of certain records in the National Archives, Federal records centers, and Presidential archival depositories; see Part 105-61 of this subchapter).

#### Subpart 105-60.7—Subpoenas or Other Legal Demands for Records and Authentication of Copies of Records

1. Section 105-60.701 is revised by deleting the text thereof and by substituting therefor a new § 105-60.701-1, concerning service of subpoena or other legal demands with respect to GSA records, and a new § 105-60.701-2, concerning service of subpoenas or other legal demands with respect to records

transferred to the National Archives and Records Service. As revised, the section reads as follows:

##### § 105-60.701 Service of subpoena or other legal demand.

##### § 105-60.701-1 GSA records.

(a) A subpoena duces tecum or other legal demand for the production of records held by GSA shall be addressed to the appropriate Regional Director of Business Affairs or Regional Administrator with respect to regional records; to the Director of Information, Washington, D.C., with respect to Central Office records; or to the Administrator of General Services.

(b) The General Counsel and, with respect to records in a GSA regional office, the Regional Counsel are authorized to accept service of a subpoena duces tecum or other legal demand on behalf of the officials designated in paragraph (a) of this § 105-60.701-1.

(c) When such subpoena or demand is served on any officer or employee of GSA other than as provided in paragraphs (a) and (b) of this § 105-60.701-1, he shall, unless otherwise directed by the Administrator, respectfully decline to produce such records on the ground that he is without authority under this Subpart 105-60.7 to do so.

##### § 105-60.701-2 Records transferred to the National Archives and Records Service.

(a) Access to "FRC records" (§ 105-61.001-3) is controlled by the instructions and restrictions imposed on GSA by the Federal agency which transferred the records to the Federal records center. Accordingly, a subpoena duces tecum or other legal demand for the production of "FRC records" will be honored by GSA if no restrictions have been imposed by the transferring agency. On the other hand, where restrictions have been imposed by the transferring Federal agency, the authority issuing the subpoena or other legal demand will be notified of that fact and be requested to take up the matter further with the transferring agency, since GSA must decline to release the records. The subpoena or other legal demand for "FRC records" may be served only on the Administrator of General Services, the Archivist of the United States, the General Counsel, a Regional Administrator or a Regional Counsel, as appropriate, or the manager of the Federal records center in which the records are stored. Any such demands will be reported to the agency whose records are involved.

(b) A subpoena duces tecum or other legal demand for the production of records designated as "archives" or "donated historical materials" administered by the National Archives and Records Service (§§ 105-61.001-2 and 105-61.001-4) may be served only on the Administrator of General Services, the Archivist of the United States, the General Counsel, or the cognizant Assistant Archivist or, as appropriate, on a Regional Administrator, a Regional Counsel, a manager of a Federal records center, or a director of a Presidential library.

(c) When such subpoena or demand is served on any officer or employee of GSA other than as provided in paragraphs (a) and (b) of this § 105-60.701-2, he shall, unless otherwise directed by the Administrator, respectfully decline to produce such records on the ground that he is without authority under this Subpart 105-60.7 to do so.

2. Section 105-60.702(a) is revised by adding an appropriate cross-reference to Part 105-61. As revised, it reads as follows:

**§ 105-60.702 Compliance with subpoena or other legal demand.**

(a) Such served officials will comply with the subpoena or demand insofar as practicable by submitting authenticated copies of the records, or the original records if necessary. However, the records shall not be produced where to do so would be contrary to the governing policies stated in 5 U.S.C. 552 and Parts 105-60 and 105-61.

3. Section 105-60.703 is revised by adding appropriate cross-references to §§ 105-61.107 and 105-61.108. As revised, the section reads as follows:

**§ 105-60.703 Authentication and attestation of copies.**

The Head of the Service or Staff Office having the records, or his superiors, or if the records are in a GSA regional office, the Head of the Regional Service or Staff Office concerned, or his superiors, are authorized to authenticate and attest, for and in the name of the Administrator of General Services, copies or reproductions of the records. Appropriate fees will be charged for such copies or reproductions (see § 105-60.303 (d) (3) and (e)). With respect to records transferred to the National Archives and Records Service, authentication and attestation and fee procedures set forth in §§ 105-61.107 and 105-61.108 will be followed.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); and 81 Stat. 54, U.S.C. 552)

Part 105-61 is added which reads as follows:

**PART 105-61—PUBLIC USE OF RECORDS, DONATED HISTORICAL MATERIALS, AND FACILITIES IN THE NATIONAL ARCHIVES AND RECORDS SERVICE**

| Sec.         |                                 |
|--------------|---------------------------------|
| 105-61.000   | Scope of part.                  |
| 105-61.001   | Definitions.                    |
| 105-61.001-1 | Records.                        |
| 105-61.001-2 | Archives.                       |
| 105-61.001-3 | Federal records center records. |
| 105-61.001-4 | Donated historical materials.   |
| 105-61.001-5 | Director.                       |
| 105-61.001-6 | Researcher.                     |

**Subpart 105-61.1—Public Use of Archives and FRC Records**

|              |                                       |
|--------------|---------------------------------------|
| 105-61.101   | Availability of records.              |
| 105-61.101-1 | General.                              |
| 105-61.101-2 | Location of records and hours of use. |
| 105-61.101-3 | Application procedures.               |

| Sec.         |                                                |
|--------------|------------------------------------------------|
| 105-61.101-4 | Researcher identification card.                |
| 105-61.102   | Restrictions and appeals.                      |
| 105-61.102-1 | Restrictions.                                  |
| 105-61.102-2 | Denials and appeals.                           |
| 105-61.103   | Research room rules.                           |
| 105-61.103-1 | Registration.                                  |
| 105-61.103-2 | Researcher's responsibility for records.       |
| 105-61.103-3 | Prevention of damage to records.               |
| 105-61.103-4 | Removal or mutilation of records.              |
| 105-61.103-5 | Conduct.                                       |
| 105-61.103-6 | Keeping records in order.                      |
| 105-61.104   | Access to defense-classified archives records. |
| 105-61.104-1 | Application procedures.                        |
| 105-61.104-2 | Rules governing use.                           |
| 105-61.105   | Copying services.                              |
| 105-61.106   | Information services.                          |
| 105-61.106-1 | About records.                                 |
| 105-61.106-2 | From records.                                  |
| 105-61.107   | Authentication of copies.                      |
| 105-61.108   | Fees.                                          |
| 105-61.109   | Subpoenas and other legal demands.             |

**Subpart 105-61.2—Public Use of Donated Historical Materials**

|            |               |
|------------|---------------|
| 105-61.201 | General.      |
| 105-61.202 | Restrictions. |

**Subpart 105-61.3—Public Use of Facilities of the National Archives and Records Service**

|              |                                                            |
|--------------|------------------------------------------------------------|
| 105-61.301   | Facilities in the Archives Building.                       |
| 105-61.302   | The National Archives Exhibition Hall.                     |
| 105-61.303   | The National Archives Library.                             |
| 105-61.304   | The National Archives Theater.                             |
| 105-61.304-1 | Purpose of use.                                            |
| 105-61.304-2 | Application for use.                                       |
| 105-61.305   | Facilities in the Presidential libraries.                  |
| 105-61.305-1 | Museum areas.                                              |
| 105-61.305-2 | Auditoriums.                                               |
| 105-61.305-3 | Supplemental rules.                                        |
| 105-61.306   | General conditions governing use of all facilities.        |
| 105-61.306-1 | Conduct.                                                   |
| 105-61.306-2 | Photographs for news, advertising, or commercial purposes. |
| 105-61.306-3 | Photographs for personal use.                              |
| 105-61.306-4 | Flash photography.                                         |

**Subparts 105-61.4—105-61.47 [Reserved]**

**Subpart 105-61.48—Exhibits**

|             |                                        |
|-------------|----------------------------------------|
| 105-61.4800 | Scope of subpart.                      |
| 105-61.4801 | Location of records and hours and use. |

**AUTHORITY:** The provisions of this Part 105-61 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

**§ 105-61.000 Scope of part.**

This part prescribes rules and procedures governing the public use of records and donated historical materials that have been transferred to the National Archives and Records Service, GSA, but does not apply to current operating records of the Service. This part also prescribes rules and procedures governing the public use of certain facilities of the Service.

**§ 105-61.001 Definitions.**

The following definitions are established for terms used in this part.

**§ 105-61.001-1 Records.**

"Records" means only records that have been transferred to the National

Archives and Records Service, in accordance with the Federal Records Act of 1950 (44 U.S.C. 392-401); namely, archives and Federal records center records, as those terms are defined in this § 105-61.001. The term "records" does not include current operating records of the National Archives and Records Service, the public availability of which is governed by Part 105-60, or donated historical materials, as defined and considered in this part.

**§ 105-61.001-2 Archives.**

"Archives" means official records that have been determined by GSA to have sufficient historical or other value to warrant their continued preservation by the U.S. Government, and have been accepted for deposit with the National Archives of the United States.

**§ 105-61.001-3 Federal records center records.**

"Federal records center records" (hereafter referred to as "FRC records") means records which, pending their deposit with the National Archives of the United States or their disposition in any other manner authorized by law, have been transferred to a Federal records center operated by GSA.

**§ 105-61.001-4 Donated historical materials.**

"Donated historical materials" means books, correspondence, documents, papers, pamphlets, magnetic tapes, pictures, photographs, plats, maps, films, motion pictures, sound recordings, and other documentary media having historical or commemorative value accepted by GSA from a source other than an agency of the U.S. Government.

**§ 105-61.001-5 Director.**

"Director" means the head of a Presidential library, the head of an Office of the National Archives division, branch, or unit responsible for servicing records, the head of a Reference Service Branch in a Federal records center, or the head of the Archives Branch of the Washington National Records Center.

**§ 105-61.001-6 Researcher.**

"Researcher" means a person who has applied for access to records or donated historical materials, in accordance with § 105-61.101-3, and who has been issued a researcher identification card.

**Subpart 105-61.1—Public Use of Archives and FRC Records**

**§ 105-61.101 Availability of records.**

**§ 105-61.101-1 General.**

(a) Researchers will normally use records in designated research rooms only.

(b) Original records will not normally be made available when microfilm copies are available.

(c) Persons seeking information that is published and readily available will normally be referred to a public library.

(d) Records will not be furnished to a researcher under the age of 16 years unless he is accompanied by an adult

researcher who agrees, in writing, to be present when the records are used and to be responsible for compliance with the research room rules set forth in § 105-61.103.

#### § 105-61.101-2 Location of records and hours of use.

(a) A prospective researcher should first ascertain the location of the records desired. Inquiries may be addressed to the Archivist of the United States, Washington, D.C. 20408.

(b) The locations and hours of duty (expressed in local time) of depositories administered by the National Archives and Records Service are shown in § 105-61.4801.

(c) Except for Federal holidays and other times specified by the Archivist, records will be made available according to the schedule set forth in § 105-61.4801.

(d) In addition to the times specified in § 105-61.4801, records may be made available at such other times as authorized by a director.

#### § 105-61.101-3 Application procedures.

(a) Applicants shall apply in person at the depository that has custody of the records sought and shall furnish, on a form provided for the purpose, information necessary for registration and for determining which records will be made available. Applicants shall furnish proper identification and, if applying for access to large quantities of records or to records that are especially fragile or valuable, shall upon request furnish a letter of reference or introduction.

(b) In advance of applying for the use of records, a prospective researcher is encouraged to determine from the appropriate depository whether the records are available and whether their volume is sufficient to warrant a personal visit in lieu of reproduction.

(c) In addition to the procedures prescribed in this § 105-61.101-3, researchers desiring to apply for the use of archives records that contain defense-classified information shall follow procedures prescribed in § 105-61.104.

#### § 105-61.101-4 Researcher identification card.

A researcher identification card will be issued to each person whose application is approved. The card will be valid for the use of records at only the depository where it was issued, and for a period of not more than 1 year, but it may be renewed upon application. Cards are not transferable and shall be produced when requested by a guard or research room attendant.

#### § 105-61.102 Restrictions and appeals.

##### § 105-61.102-1 Restrictions.

The use of records is subject to any restrictions specified in writing by the agency from which the records were transferred and to restrictions set forth by the Archivist of the United States in pertinent Restriction Statements. The use of FRC records that have been restricted by the agency from which the records were transferred is governed by

access procedures prescribed by that agency.

#### § 105-61.102-2 Denials and appeals.

Denials of use of records, except those made in the normal course of reference service, shall be made by the Deputy Archivist of the United States, in accordance with § 105-60.403, and any resulting appeals shall be made and conducted in accord with § 105-60.404.

#### § 105-61.103 Research room rules.

##### § 105-61.103-1 Registration.

Researchers shall register each day they enter a research room, furnishing the information specified on the registration form.

##### § 105-61.103-2 Researcher's responsibility for records.

The research room attendant may limit the quantity of records to be delivered at one time to a researcher. When requested, researchers shall acknowledge receipt of records by signature. A researcher is responsible for all records delivered to him until he returns them. When a researcher has completed his use of records, he shall return them to the research room attendant. When requested, researchers shall return records as much as 10 minutes before closing time. Before leaving a research room, even for a short period of time, a researcher shall notify the research room attendant and place all records in their proper containers.

##### § 105-61.103-3 Prevention of damage to records.

The researcher shall exercise all possible care to prevent damage to records. Records shall not be used at a desk where there is a container of liquid or where a fountain pen is being used. Records shall not be leaned on, written on, folded anew, traced, fastened with paper clips or rubber bands, or handled in any way likely to cause damage. The use of records of exceptional value or in fragile condition shall be subject to any conditions specified by the research room attendant.

##### § 105-61.103-4 Removal or mutilation of records.

Researchers shall not remove records from a research room. The unlawful removal or mutilation of records is forbidden by law and is punishable by fine or imprisonment or both (18 U.S.C. 2071). When so requested, researchers shall check parcels and luggage before entering a research room; and upon leaving, a researcher shall, if so requested, present for examination any briefcase, notebook, package, envelope, book, or other article that could contain records.

##### § 105-61.103-5 Conduct.

Researchers are subject to the provisions of Subpart 101-19.3, Conduct on Federal Property. Eating in a research room is prohibited. Smoking is prohibited except in designated smoking areas. Loud talking and other activities likely to disturb other researchers are also prohibited. Persons desiring to use type-

writers, sound recording devices, or photocopying equipment shall work in areas designated by the research room attendant.

#### § 105-61.103-6 Keeping records in order.

A researcher must keep unbound records in the order in which they are delivered to him. Records appearing to be in disorder should not be rearranged by a researcher, but should be referred to the research room attendant. Normally, a researcher will not be allowed to remove records from more than one container at a time.

#### § 105-61.104 Access to defense-classified archives records.

Access to archives records containing classified-defense information will be governed by Executive Order 10501 (3 CFR), as amended, particularly by Executive Order 10816 (3 CFR).

#### § 105-61.104-1 Application procedures.

(a) Any person desiring permission to examine such records shall, sufficiently in advance, submit to the Archivist of the United States a completed application, a set of his fingerprints, and personal history data on forms that will be furnished. Applications will be referred by the Archivist to agencies having responsibility for the related defense programs and will be processed by those agencies in accord with Executive Order 10816. Records can be made available for examination only after each appropriate agency has authorized the Archivist to make them available.

(b) The requirement for submission of a fingerprint set or of personal history data may be waived for an applicant who has previously furnished those items.

#### § 105-61.104-2 Rules governing use.

To guard against the possibility of unauthorized access to restricted records, a director may issue instructions supplementing the research room rules in § 105-61.103.

#### § 105-61.105 Copying services.

The copying of records will normally be done by personnel of the National Archives and Records Service with equipment belonging to the Service. With the permission of a director, researchers may use their own copying equipment. Permission will be based on the director's determination that such use will not harm the records or disrupt reference activities. Equipment will be used under the supervision of personnel of the Service.

#### § 105-61.106 Information services.

##### § 105-61.106-1 About records.

Upon request, overall information pertaining to holdings or about specific records will be furnished, provided that the time required to furnish the information is not excessive, and provided that the information is not restricted (see § 105-61.102). When so specified by a director, requests shall be made on prescribed forms.

**§ 105-61.106-2 From records.**

Normally, information contained in the records will be furnished in the form of photocopies of the records, subject to the provisions of § 105-61.105. The National Archives and Records Service will certify facts and make administrative determinations on the basis of archives or FRC records when appropriate officials of other agencies have authorized GSA to do so. When similarly authorized, such certifications and determinations will be authenticated by the seal of GSA or by the seal of the National Archives of the United States.

**§ 105-61.107 Authentication of copies.**

The responsible director, or any of his superiors, and the Director of the Federal Register are authorized to authenticate and attest copies of records.

**§ 105-61.108 Fees.**

Fees charged for the reproduction, certification, and authentication of records must be paid in advance, except when the appropriate director approves a request for handling them on an accounts receivable basis. Fees may be paid in cash or by check or money order made payable to GSA. Remittances from outside the United States should be made by international money order or check drawn in U.S. dollars on a bank in the United States or one of its territories or possessions.

**§ 105-61.109 Subpoenas and other legal demands.**

The handling of subpoenas duces tecum or other legal demands for records will be in accord with Subpart 105-60.7.

**Subpart 105-61.2—Public Use of Donated Historical Materials**

**§ 105-61.201 General.**

The use of donated historical materials (as defined in § 105-61.001-4) is governed by the provisions of Subpart 105-61.1, except that § 105-61.202 shall apply in lieu of § 105-61.102.

**§ 105-61.202 Restrictions.**

The public use of donated historical materials is subject to the following restrictions:

(a) Use is subject to all conditions specified by the donor or transferor of such materials or by the Archivist of the United States.

(b) Use must relate to a study that has a serious and useful purpose, as determined by the appropriate director.

(c) Publication of such materials, where the literary property right in the materials is vested in the Government, is prohibited without the written authorization of the appropriate director. (Researchers are encouraged to confer with directors on any question of literary property right.)

**Subpart 105-61.3—Public Use of Facilities of the National Archives and Records Service**

**§ 105-61.301 Facilities in the Archives Building.**

Facilities in the Archives Building include the exhibition hall, library, and

theater as further described in this subpart. Additional conditions for use of these facilities are set out in § 105-61.306.

**§ 105-61.302 The National Archives Exhibition Hall.**

Unless otherwise directed by the Archivist of the United States, the National Archives Exhibition Hall is open to the public from 9 a.m. to 10 p.m. on weekdays and holidays and from 1 p.m. to 10 p.m. on Sundays. It is closed on Christmas and New Year's days. On Mondays through Fridays and before 5:15 p.m. on Saturdays, visitors may use either the Pennsylvania Avenue entrance, opposite Eighth Street, or the Constitution Avenue entrance; on Sundays and holidays and after 5:15 p.m. on Saturdays, the Constitution Avenue entrance only is open.

**§ 105-61.303 The National Archives Library.**

The National Archives Library is operated to meet the needs of researchers and GSA staff members. Other persons desiring to use library materials will generally be referred to public libraries and other possible sources of such materials.

**§ 105-61.304 The National Archives Theater.**

**§ 105-61.304-1 Purposes of use.**

The theater in the Archives Building was designed and will be used primarily for furnishing reference services on the motion picture holdings of the National Archives. When not required for such use, assignments to other organizations may be made. Application for such use will be approved only if the purpose for which it is requested is related to the programs of the National Archives and Records Service. The theater shall not be used to promote commercial enterprises or commodities, for political, sectarian, or similar purposes, or for meetings sponsored by profitmaking organizations. Use of the theater will not be authorized for any organization or group of individuals that engages in discriminatory practices proscribed in the Civil Rights Act of 1964 (42 U.S.C. 2000a, note).

**§ 105-61.304-2 Application for use.**

(a) Applications for use of the theater shall be submitted in writing by the head of the requesting organization, or his duly authorized representative, at least 1 week in advance of the requested use. Applications for use shall be addressed to the General Services Administration, National Archives and Records Service, Office of Administration and Technical Services, Washington, D.C. 20408, and shall include the following information:

(1) The name of the requesting organization;

(2) The date and the hours of contemplated use;

(3) A brief description of the program;

(4) The number of persons expected to attend the meeting or performance (the capacity of the theater is 216 persons);

(5) A statement as to whether it is the intention to exhibit motion pictures

or slides, and if so, the size of the film (35 mm. to 16 mm.) or slides, and whether the film to be shown is on nitrate or safety base; and

(6) Samples of any literature, folders, or posters to be distributed or exhibited at the meeting or performance.

(b) No program will be permitted to continue beyond 10 p.m.

(c) Applications for use on Saturdays, Sundays, holidays, or at times when the building is closed will be considered if fully justified.

(d) No admission fee will be charged, no indirect assessment will be made for admission, and no collection will be taken. Commercial advertising or the sale of articles is not permitted.

(e) The serving or consumption of food or beverages within the theater is prohibited.

(f) Smoking within the theater is prohibited.

(g) If the projection of motion pictures or slides is a part of the program, operators will be furnished by the National Archives and Records Service on a reimbursable basis.

(h) Posting of any material about the premises is subject to prior approval.

(i) All persons attending meetings or performances will be required to go directly to the theater, which is on the fifth floor. No one will be admitted to the parts of the building which are closed to the public.

**§ 105-61.305 Facilities in Presidential libraries.**

**§ 105-61.305-1 Museum areas.**

(a) Unless otherwise directed by the library director, the hours of admission to museums of the libraries are as follows:

(1) Monday through Saturday, 9 a.m. to 5 p.m., including Federal legal holidays.

(2) Sunday, 2 p.m. to 5 p.m. (10 a.m. to 5 p.m. from May 16 to September 15), including Federal legal holidays.

(3) Museums will be closed on Thanksgiving, Christmas, and New Year's days.

(b) Visitors to the museums of the libraries may be required to check all parcels and luggage at designated places.

(c) Eating and smoking are prohibited in the museums of the libraries and in other library areas except where designated by the library director.

**§ 105-61.305-2 Auditoriums.**

(a) Library auditoriums are designed to serve the purposes of the libraries, through lectures, seminars, meetings of professional societies, showings of historical motion pictures, and similar activities. A library director may approve applications for use by professional, scientific, educational, or civic organizations, provided that the purpose of the use is related to the activities of the library. Application for such use shall be made in writing to the library director.

(b) Use of the auditoriums will not be authorized for any profitmaking, political, sectarian, or similar purpose, or for any organization or group that engages in discriminatory practices proscribed in the Civil Rights Act of 1964 (42 U.S.C. 2000a, note).

(c) No admission fee will be charged except by the library, no indirect assessment fees will be made for admission, and no collections will be taken. Commercial advertising and sales of any kind are prohibited.

#### § 105-61.305-3 Supplemental rules.

Library directors may establish appropriate supplemental rules governing use of Presidential libraries and adjacent buildings. Additional conditions for the use of Presidential libraries are set out in § 105-61.306.

#### § 105-61.306 General conditions governing use of all facilities.

The provisions of this § 105-61.306 are applicable to the facilities in the Archives Building and Presidential libraries.

#### § 105-61.306-1 Conduct.

All persons using these facilities are subject to the regulations applicable to conduct on Federal property, as specified in Subpart 101-19.3.

#### § 105-61.306-2 Photographs for news, advertising, or commercial purposes.

Photographs for news, advertising, or commercial purposes may be taken only after approval of such requests, which shall be submitted to the Educational Programs Division in the Archives Building or to the appropriate director of a Presidential library.

#### § 105-61.306-3 Photographs for personal use.

Visitors are permitted to take photographs in the Archives Building and in the Presidential libraries and adjacent buildings open to the public, subject to the restrictions set forth in § 105-61.306-4.

#### § 105-61.306-4 Flash photography.

Flash equipment and other photoflighting devices shall not be used in the National Archives Exhibition Hall or anywhere in a Presidential library or adjacent building where such use may cause damage to documents. Persons desiring to use photoflighting devices shall request special permission from the Educational Programs Division in the Archives Building or from the appropriate director of the Presidential library concerned.

#### Subparts 105-61.4—105-61.47 [Reserved]

#### Subpart 105-61.48—Exhibits

##### § 105-61.4800 Scope of subpart.

This subpart illustrates exhibits previously referred to in this part.

##### § 105-61.4801 Location of records and hours of use.

This section relates to § 105-61.101-2.

(a) The Archives Building, Eighth and Pennsylvania Avenue NW, Washington, D.C. 20408.

Hours: For the Central Research Room, 8:45 a.m. to 10 p.m., Monday through Friday, and 8:45 a.m. to 5 p.m. on Saturdays. For other research rooms, 8:45 a.m. to 5 p.m., Monday through Friday. Records to be used on Friday after 5 p.m. or on Saturday must be

requested by 3 p.m. Friday. Records to be used after 5 p.m., Monday through Thursday, must be requested by 4 p.m. of the day on which they are to be used.

(b) Modern Military Records Division, King and Union Streets, Alexandria, Va. 22314.

Hours: 8 a.m. to 4:15 p.m., Monday through Friday.

(c) Herbert Hoover Library, South Downey Street, West Branch, Iowa 52358.

Hours: 9 a.m. to 5 p.m., Monday through Friday.

(d) Franklin D. Roosevelt Library, Albany Post Road, Hyde Park, N.Y. 12538.

Hours: 9 a.m. to 5 p.m., Monday through Friday.

(e) Harry S. Truman Library, Highway 24 at Delaware Street, Independence, Mo. 64050.

Hours: 9 a.m. to 5 p.m., Monday through Friday.

(f) Dwight D. Eisenhower Library, South East Fourth Street, Abilene, Kans. 67410.

Hours: 9 a.m. to 5 p.m., Monday through Friday.

(g) Washington National Records Center, 4205 Suitland Road, Suitland, Md.

Mailing address: General Services Administration, Washington National Records Center, Washington, D.C. 20409.

Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(h) National Personnel Records Center (military personnel records), 9700 Page Boulevard, St. Louis, Mo. 63132.

Hours: 7:30 a.m. to 4 p.m., Monday through Friday.

(i) National Personnel Records Center (civilian personnel records), 111 Winnebago Street, St. Louis, Mo. 63118.

Hours: 7:30 a.m. to 4 p.m., Monday through Friday.

(j) Regional Federal records centers, as follows:

(1) 380 Trapelo Road, Waltham, Mass. 02154.

Hours: 8:20 a.m. to 4:50 p.m., Monday through Friday.

(2) 641 Washington Street, New York, N.Y. 10014.

Hours: 8:30 a.m. to 5 p.m., Monday through Friday.

(3) 5000 Wissahickon Avenue, Philadelphia, Pa. 19144.

Hours: 8:30 a.m. to 5 p.m., Monday through Friday.

(4) Naval Supply Depot, Building 308, Mechanicsburg, Pa. 17055.

Hours: 7:30 a.m. to 4:30 p.m., Monday through Friday.

(5) 1557 St. Joseph Avenue, East Point, Ga. 30044.

Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(6) 7201 South Leamington Avenue, Chicago, Ill. 60638.

Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(7) 2306 East Bannister Road, Kansas City, Mo. 64131.

Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(8) 4900 Hemphill Street, Fort Worth, Tex. 76115.

Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(9) Building 48, Denver Federal Center, Denver, Colo. 80225.

Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(10) Building 1, 100 Harrison Street, San Francisco, Calif. 94105.

Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(11) 4747 Eastern Avenue, Bell, Calif. 90201.

Hours: 7:30 a.m. to 4 p.m., Monday through Friday.

(12) 6125 San Point Way, Seattle, Wash. 98115.

Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

**Effective date.** These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: March 15, 1968.

J. E. MOODY,  
Acting Administrator  
of General Services.

[F.R. Doc. 68-3459; Filed, Mar. 21, 1968; 8:45 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

### Chapter II—Bureau of Land Management, Department of the Interior

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4372]

[Sacramento 076228; 837]

#### CALIFORNIA

### Withdrawal for National Forest Administrative Site and Campground

#### Correction

In F.R. Doc. 68-2860, appearing at page 4333 of the issue for Friday, March 8, 1968, the land description for *Rush Creek Campground* is corrected to read as follows:

#### *Rush Creek Campground*

T. 34 N., R. 9 W.,

Sec. 9, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

## Title 45—PUBLIC WELFARE

### Chapter VIII—Civil Service Commission

#### PART 801—VOTING RIGHTS PROGRAM

#### Appendix A; Mississippi

Appendix A to Part 801 is amended as set out below to show, under the heading "Dates, Times, and Places for Filing," a change in the place for filing in Carroll County, Miss.:

#### MISSISSIPPI

County; place for filing; beginning date.

\* \* \* \* \*  
Carroll; (1) Carrollton—Post Office Building, Main Street, January 4, 1968, through March 22, 1968; (2) North Carrollton—Van Meter Lumber Co. Building, George Street, March 23, 1968.

\* \* \* \* \*  
(Secs. 7 and 9 of the Voting Rights Act of 1965; Public Law 89-110)

#### UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[F.R. Doc. 68-3476; Filed, Mar. 21, 1968; 8:46 a.m.]