

List of Subjects in 16 CFR Part 425

Trade practices.

Authority: 15 U.S.C. 41–58.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 97–8064 Filed 3–28–97; 8:45 am]

BILLING CODE 6750–01–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION**36 CFR Part 1258**

RIN 3095–AA71

NARA Reproduction Fee Schedule

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of proposed rulemaking.

SUMMARY: NARA proposes to revise its schedule of fees for reproduction of records created by other Federal agencies and transferred to the custody of the Archivist of the United States; donated historical materials; Presidential records and Presidential historical materials transferred to the custody of the Archivist; and records filed with the Office of the Federal Register. The fees are being changed to reflect current costs of providing the reproductions. This rule will affect members of the public and Federal agencies who order reproductions from NARA.

DATES: Comments must be received by May 30, 1997.

ADDRESSES: Submit comments to the Regulation Comment Desk (NPOL), Room 4100, National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740–6001. Comments may also be faxed to (301)713–7270.

FOR FURTHER INFORMATION CONTACT: Nancy Allard on (301) 713–7360.

SUPPLEMENTARY INFORMATION: The fees for reproduction of records promulgated in 36 CFR Part 1258 are set in accordance with 44 U.S.C. 2116(c), which requires that, to the extent possible, NARA recover the actual cost of making copies of records and other materials transferred to the custody of the Archivist of the United States. In general, NARA has chosen to recoup only the order handling labor, the direct materials costs, shipping, and the labor directly associated with making the reproduction. The majority of these fees were last revised in 1991 on the basis of a cost study conducted in 1989 and 1990. That study concentrated on a few “typical” organizations in the

Washington, DC, area and applied the resulting fees nationwide.

Since 1991, NARA costs have increased because of higher materials and shipping costs and mandatory cost of living adjustments to staff salaries. Changes in work processes from the opening of the new Archives II facility, use of vendor services for fulfillment of textual and non-textual orders in the Washington, DC, area, and a need to better reflect reproduction processes at our field locations required a comprehensive review of the reproduction process. In 1995, NARA contracted with a nationally recognized accounting firm to conduct a new fee schedule study. The activity-based costing (ABC) method was used for the study, which surveyed all NARA organizations involved in the reproduction order process.

Based on recommendations in the study, we propose to modify the way that NARA charges for certain types of reproductions. For electrostatic copies of paper documents made by NARA staff in the Washington, DC, area and original camera microfilming, we propose to use “blended” pricing, i.e., a price per block of copies, rather than per unit fees. This pricing structure is intended to reduce the amount of time spent by archival staff estimating the number of pages to be copied when preparing quotes for researchers and to reduce the amount of time spent by the Trust Fund staff in processing refunds for overestimated copy counts and in pursuing debt collection for underestimated copy counts. We also propose to sell copies of accessioned microfilm by the roll, rather than by the foot as we currently do, to eliminate the need to measure the film before preparing quotes and to make the pricing structure parallel to the microfilm publications program.

We propose to raise the minimum fee for mail orders from \$6 to \$10 to better cover the costs that are directly associated with handling an order of any size, including order tracking, payment processing, and shipping. We are deleting published fees for products and services for which there has been little demand in the past several years, including technical service fees, although fees will be computed upon request as stated in paragraph § 1258.12(i).

We are retaining the current fees for self-service paper-to-paper (10 cents per copy) and microfilm-to-paper copies (25 cents per copy), which represent approximately 42 percent of our reproduction volume. While the new fees for electrostatic copying done by NARA staff are significantly higher than

the current fee, comparisons of NARA’s fees to the prices charged by quick-copy shops would be misleading. Due to the fragile condition of our paper records and the need to preserve them for future use, NARA must forego the use of certain automating features available for today’s copiers. We have compared our fees with those charged by similar organizations: the Library of Congress, the Georgia State Archives, and the University of Maryland Interlibrary Loan Program.

In general, our prices fall into the same range as these organizations. Using a mail order for 30 paper-to-paper copies as an example, this would be the cost to the customer at each organization:

\$15 at NARA (\$10 for the first block of 20 copies; \$5 for each additional block of 20 copies);

\$15.50 at the Library of Congress (\$10 for the first 25 copies; 50¢ for each additional copy; \$3 for each citation or item handled);

\$15 or \$25 at the Georgia State Archives (25¢ per copy with minimum mail order amounts determined by residency of the customer); and

\$14.50 at the University of Maryland Interlibrary Loan Program (\$12.50 for the first 20 copies; 20¢ for each additional copy).

We have removed §§ 1258.2(c)(10) and 1258.11 relating to fees for reproduction of accessioned records in response to Freedom of Information Act (FOIA) requests as unnecessary. The fees in § 1258.11 have always been identical to the fees in § 1258.12 since NARA has long held the position that the fee provisions of the FOIA do not apply to archival records, rather that our specific fee statute (44 U.S.C. 2116(c)) serves as an alternative statute for fee issues.

Finally, we propose to make this fee schedule effective July 1, 1997, as we indicate in proposed § 1258.16.

This proposed rule is not a significant regulatory action for purposes of Executive Order 12866 of September 30, 1993, and has not been reviewed by the Office of Management and Budget. As required by the Regulatory Flexibility Act, it is hereby certified that this rule will not have a significant impact on small entities.

List of Subjects in 36 CFR 1258

Archives and records.

For the reasons set forth in the preamble, NARA proposes to amend chapter XII of title 36, Code of Federal Regulations, as follows:

PART 1258—FEES

1. The authority citation for part 1258 continues to read as follows:

Authority: 44 U.S.C. 2116(c).

2. Section 1258.2 is amended by revising paragraphs (c)(1) and (c)(3) through (c)(5), adding paragraph (c)(6)(v), and removing paragraph (c)(10) to read as follows:

§ 1258.2 Applicability.

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(c) * * *

(1) National Archives Trust Fund Board publications, including microfilm publications. Prices are available from the Product Sales Section (NWPS), 700 Pennsylvania Ave., NW., Room G-9, Washington, DC 20408.

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(3) Motion picture, sound recording, and video holdings of the National Archives and Presidential libraries. Information on the availability of and prices for reproduction of these materials are available from the Motion Picture, Sound, and Video Branch (NWDNM), 8601 Adelphi Rd., Room 3340, College Park, MD 20740-6001, or from the Presidential library which has such materials (see § 1253.3 of this chapter for addresses).

(4) Electronic records. Information on the availability of and prices for duplication are available from the Center for Electronic Records (NWRE), 8601 Adelphi Rd., Room 5320, College Park, MD 20740-6001, or from the Presidential library which has such materials (see § 1253.3 of this chapter for addresses).

(5) Still photography, including aerial film, and oversize maps and drawings. Information on the availability and prices of reproductions of records held in the Still Pictures Branch (NWDNS) and the Cartographic and Architectural Branch (NWDNC), both located at the National Archives at College Park facility, 8601 Adelphi Rd., College Park, MD 20740-6001, and in the Presidential libraries and regional records services facility (see §§ 1253.3 and 1253.7 of this chapter for addresses) should be obtained from the unit which has the original records.

(6) * * *

(v) Land entry records (order form NATF 84)—\$10.

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3. The introductory text of § 1258.4(f) is revised to read:

§ 1258.4 Exclusions.

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(f) For records center records only:

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4. Section 1258.10 is amended by revising paragraph (a) to read:

§ 1258.10 Mail orders.

(a) There is a minimum fee of \$10 per order for reproductions which are sent by mail to the customer.

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§ 1258.11 [Removed]

5. Section 1258.11 is removed.

6. Section 1258.12 is amended by revising paragraphs (a) through (f), removing paragraph (g), and redesignating paragraphs (h) and (i) as paragraphs (g) and (h), respectively, to read:

§ 1258.12 Fee schedule.

(a) *Certification*: \$10.

(b) *Electrostatic copying*: (1) Paper-to-paper copies (up to and including 11 in. by 17 in.) made by the customer on a NARA self-service copier: \$0.10 per copy.

(2) Paper-to-paper copies (up to and including 11 in. by 17 in.) made by NARA staff:

(i) At a Presidential library; at a regional records services facility; and, when ordered on a same-day "cash and carry" basis, at a Washington, DC, area facility: \$0.50 per copy.

(ii) All other orders placed at a Washington, DC, area facility: \$10 for the first 1-20 copies; \$5 for each additional block of up to 10 copies.

(3) Oversized electrostatic copies (per linear foot): \$2.50.

(4) Electrostatic copies (22 in. by 34 in.): \$2.50.

(5) Microfilm or microfiche to paper copies made by the customer on a NARA self-service copier: \$0.25.

(6) Microfilm or microfiche to paper copies made by NARA staff: \$1.75.

(c) *Microfilm*. (1) Original negative microfilm (paper-to-microfilm): \$10 for the first 1-15 images; \$14 for each additional block of up to 20 pages.

(2) Direct duplicate copy of accessioned microfilm: \$34.00 per roll.

(3) Positive copy of accessioned microfilm: \$34.00 per roll.

(d) *Diazo microfiche duplication (per fiche)*: \$2.10.

(e) *Self-service video copying in the Motion Picture, Sound and Video Research Room*: (1) Initial 90-min use of video copying station with 120-minute videocassette: \$20.

(2) Additional 90-minute use of video copying station with no videocassette: \$14.

(3) Blank 120-minute VHS videocassette: \$6.

(f) *Self-service Polaroid prints*: \$9 per print.

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7. Section 1258.16 is revised to read:

§ 1258.16 Effective date.

The fees in § 1258.12 are effective on July 1, 1997.

Dated: March 24, 1997.

John W. Carlin,

Archivist of the United States.

[FR Doc. 97-7898 Filed 3-28-97; 8:45 am]

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DEPARTMENT OF ENERGY**48 CFR Parts 915, 927, 952, and 970**

RIN 1991-AB33

Revisions to Rights in Data Regulations

AGENCY: Department of Energy.

ACTION: Proposed rule.

SUMMARY: The Department of Energy (DOE) proposes to amend its Acquisition Regulation to effect changes to its rights in technical data regulations to reflect a greater reliance upon the rights in technical data coverage in the Federal Acquisition Regulation and the requirements relating to technology transfer activities at certain DOE laboratories.

DATES: Written comments must be submitted no later than May 30, 1997.

ADDRESSES: Comments (three copies) should be addressed to: Robert M. Webb, U.S. Department of Energy, Office of Procurement and Assistance Management, Office of Policy, HR-51, Room 8H-023, 1000 Independence Avenue, SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:

Robert M. Webb, U.S. Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 586-8264

Judson Hightower, U.S. Department of Energy, Office of Assistant General Counsel for Technology Transfer and Intellectual Property, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 586-2813.

SUPPLEMENTARY INFORMATION:

I. Background.

II. Discussion.

III. Public Comments.

A. Consideration and Availability of Comments.

B. Public Hearing Determination.

IV. Procedural Requirements.

A. Review Under Executive order 12866.

B. Review Under Executive order 12988.

C. Review Under the Regulatory Flexibility Act.

D. Review Under the Paperwork Reduction Act.