

requested location for a regular and substantial period.

(c) Whenever a party, first through an offer of proof and then by supporting evidence, establishes that an extraordinary circumstance exists or where an employer falls outside the rule in this section, the Board shall determine the appropriateness of a requested single location unit by adjudication.

(d) An extraordinary circumstance will be found to exist, inter alia, if 10 percent or more of the unit employees have been temporarily transferred to other facilities of the employer for 10 percent or more of their time during the 12 month period preceding the filing of a petition for an election or, where no petition for election has been filed during the 12 month period preceding either the demand for recognition or the time when a bargaining obligation would arise.

Dated, Washington, DC, September 22, 1995.

By Direction of the Board.
National Labor Relations Board.
John J. Toner,
Acting Executive Secretary.

[FR Doc. 95-24001 Filed 9-27-95; 8:45 am]

BILLING CODE 7545-01-U

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Parts 1228 and 1232

RIN 3095-AA18

Audiovisual Records Management

AGENCY: National Archives and Records Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: The National Archives and Records Administration (NARA) proposes to revise and expand the regulations pertaining to audiovisual records management and the transfer of permanent audiovisual records to NARA from Federal agencies. The revisions are necessary in order to update standards, to provide coverage for new audiovisual media that are used in the creation of Federal records, and to reflect the transfer to the Department of Commerce's National Technical Information Services of the centralized audiovisual distribution services formerly performed by the National Audiovisual Center. This regulation affects Federal agencies.

DATES: Comments must be received in writing on or before November 27, 1995.

ADDRESSES: Comments should be sent to the Director, Policy and Planning

Division (PIRM-POL), National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001.

FOR FURTHER INFORMATION CONTACT: Mary Ann Hadyka or Nancy Allard at 301-713-6730 or TDD 301-713-6760.

SUPPLEMENTARY INFORMATION: Following is a discussion of the significant changes proposed by this regulation:

Part 1228

Four significant changes are made to § 1228.184 of this part, which governs the transfer of permanent audiovisual records to NARA from Federal agencies. First, the revised regulation provides for the transfer of a videotape as well as a projection print for motion picture film, if both exist. The requirement for preprint (negatives, masters, etc.) is still the same, however. Second, the record elements for compact discs and video discs are described for the first time. Third, audio and video tape recordings are cross-referenced to § 1232.30 of this subchapter which requires the use of open-reel audiotapes and industrial-quality or professional videotapes for the creation of original audiovisual records. Fourth, the revision permits agencies to provide related captions or finding aids in electronic form that are in accordance with § 1228.188 of this part which governs the transfer of electronic records.

Part 1232

The revision includes audiovisual definitions and updates sources for various standards. Section 1232.20, Agency program responsibilities, remains essentially the same as the current § 1232.4, but requirements for training and inspection of contractor facilities have been added. Other sections have been reorganized and revised for greater emphasis and clarity and to provide more detailed instructions on nitrocellulose film, unstable cellulose acetate film, storage conditions, maintenance and operations, choosing formats, and disposition. The standard for residual sodium thiosulfate (hypo) on newly processed black-and-white film has been modified. The storage standard for relative humidity has been lowered to 30-40 percent from the earlier range of 40-60 percent. X-ray film is included in this regulation for the first time, because it is generally scheduled for long retention periods and must therefore be stored under controlled environmental conditions. The provision for temporary storage space in NARA's cold storage vaults has been deleted because the space has been reserved for color film materials that are transferred to the legal

custody of the National Archives. The regulations governing centralized audiovisual services under the current § 1232.6 have been deleted from this regulation because of the transfer of this function to the Department of Commerce. NARA no longer offers the Stock Footage Depository Program which was described in the current § 1232.6. Agencies may establish their own programs or dispose of the footage in accordance with an approved records schedule.

This revision does not address digital photographic records, as standards have not been developed for these records. NARA is investigating the technology and plans to provide records management guidance for these records. Government-wide requirements cannot be established at this time.

This rule is a significant regulatory action for purposes of Executive Order 12866 of September 30, 1993. As such, it has 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

36 CFR Part 1228

Archives and records.

36 CFR Part 1232

Archives and records, Incorporation by reference.

For the reasons set forth in the preamble, NARA proposes to amend 36 CFR chapter XII as follows:

PART 1228—DISPOSITION OF FEDERAL RECORDS

1. The authority citation for part 1228 continues to read as follows:

Authority: 44 U.S.C. chapters 21, 29, and 33.

2. Section 1228.184 is revised to read as follows:

§ 1228.184 Audiovisual records.

The following types of audiovisual records appraised as permanent shall be transferred to the National Archives as soon as they become inactive or whenever the agency cannot provide proper care and handling of the records, including adequate storage conditions, to facilitate their preservation by the National Archives (see part 1232 of this chapter). In general the physical types described below constitute the minimum record elements for archival purposes that are required to provide for future preservation, duplication, and reference needs.

(a) *Motion pictures.* (1) Agency-sponsored or produced motion picture films (e.g., public information films) whether for public or internal use:

(i) Original negative or color original plus separate optical sound track;

(ii) Intermediate master positive or duplicate negative plus optical track sound track; and,

(iii) Sound projection print and video recording, if both exist.

(2) Agency-acquired motion picture films: Two projection prints in good condition or one projection print and one videotape.

(3) Unedited footage, outtakes and trims (the discards of film productions) that are properly arranged, labeled, and described and show unstaged, unrehearsed events of historical interest or historically significant phenomena:

(i) Original negative or color original; and

(ii) Matching print or videotape.

(b) *Still pictures.* (1) For black-and-white photographs, an original negative and a captioned print although the captioning information can be maintained in another file such as a data base if the file number correlation is clear. If the original negative is nitrate, unstable acetate, or glass based, a duplicate negative is also needed.

(2) For color photographs, the original color transparency or color negative, a captioned print or captioning information as described above, and a duplicate color negative and duplicate slides and transparencies, if they exist.

(3) For slide sets, the original and a reference set, and the related audio recording and script.

(4) For other pictorial records such as posters, original art work, and filmstrips, the original and a reference copy.

(c) *Sound Recordings.* (1) Disc recordings:

(i) For conventional disc recordings, the master tape and two disc pressings of each recording, typically a vinyl copy for playback at 33 $\frac{1}{3}$ revolutions per minute (rpm).

(ii) For compact discs, the origination recording regardless of form and two compact discs.

(2) For magnetic sound recordings on audio tape (open reel, cassette, or cartridge), the original tape or the earliest generation of the recording and a "dubbing" if one has been made. Section 1232.30(d) of this subchapter requires the use of open-reel tape for original audio recordings.

(d) *Video recordings.* (1) For videotape, the original or earliest generation videotape and a copy for reference. Section 1232.30(c) of this subchapter requires the use of

industrial-quality or professional videotapes for use as originals, although VHS copies can be transferred as reference copies.

(2) For video discs, the premaster videotape used to manufacture the video disc and two copies of the disc. Video discs that depend on interactive software and nonstandard equipment may not be acceptable for transfer.

(e) *Finding aids and production documentation.* The following records shall be transferred to the National Archives with the audiovisual records to which they pertain.

(1) Existing finding aids such as data sheets, shot lists, continuities, review sheets, catalogs, indexes, list of captions, and other documentation that are helpful or necessary for the proper identification, or retrieval of audiovisual records. Electronic versions of these files shall be transferred in accordance with § 1228.188 of this part.

(2) Production case files or similar files that include copies of production contracts, scripts, transcripts, and appropriate documentation bearing on the origin, acquisition, release, and ownership of the production.

3. Part 1232 is revised to read as follows:

PART 1232—AUDIOVISUAL RECORDS MANAGEMENT

Subpart A—General

Sec.

1232.1 Applicability and scope.

1232.2 Objectives.

1232.10 Definitions.

Subpart B—Audiovisual Records Management

1232.20 Agency program responsibilities.

1232.22 Nitrocellulose film.

1232.24 Unstable cellulose acetate film.

1232.26 Storage conditions.

1232.28 Maintenance and operations.

1232.30 Choosing formats.

1232.32 Disposition.

Authority: 44 U.S.C. 2904 and 3101; and OMB Circular A-130.

Subpart A—General

§ 1232.1 Applicability and scope.

This part prescribes policies and procedures for managing audiovisual records to ensure adequate and proper documentation and authorized, timely, and appropriate disposition. The policies and procedures apply to all Departments and independent agencies of the Executive Branch.

§ 1232.2 Objectives.

The objectives of audiovisual records management are to achieve the effective creation, maintenance, use, and disposition of audiovisual and related

records by establishing standards for maintenance and disposition, physical security, and preservation and by reviewing recordkeeping practices on a continuing basis to improve procedures.

§ 1232.10 Definitions.

Agency. Any department or independent establishment of the Executive Branch of the Federal Government. See § 1220.14, for general definitions.

Audiovisual. Any pictorial or aural means of communicating information.

Audiovisual equipment. Equipment used for recording, producing, duplicating, processing, broadcasting, distributing, storing or exhibiting audiovisual materials or for providing any audiovisual services.

Audiovisual production. An organized and unified presentation, developed according to a plan or script, containing visual imagery, sound, or both, and used to convey information. An audiovisual production generally is a self-contained presentation. Audiovisual productions may include motion media with synchronous sound such as motion picture film, videotape or other video formats, audio recordings, and other media such as synchronized audio and visual presentations such as multimedia productions.

Audiovisual records. Records in pictorial or aural form that include still and motion media, sound recordings, graphic works, mixed media, and related finding aids and production files.

Subpart B—Audiovisual Records Management

§ 1232.20 Agency program responsibilities.

Each Federal agency, in providing for effective controls over the creation of records, shall establish an appropriate program for the management of audiovisual records. This program shall be governed by the following requirements:

(a) Prescribe the types of records to be created and maintained so that audiovisual activities and their products are properly documented. (Regulations on the appropriate types of permanent audiovisual records are located in § 1228.184 of this chapter.)

(b) Ensure that adequate training is provided to:

(1) Agency personnel responsible for the disposition of audiovisual records;

(2) Contractor personnel who have temporary custody of audiovisual records; and,

(3) All users who create, handle, or maintain audiovisual records or operate equipment for their use.

(c) Ensure that contract provisions protect the Government's legal title and control over audiovisual records and related documentation produced or maintained by contract. Ensure that contract provisions identify as deliverables any working papers/files that are needed for adequate and proper documentation. Include a provision that permits the Government to inspect contractor facilities used for the storage and handling of permanent or unscheduled audiovisual records. Agencies shall inspect such facilities at least once each year.

(d) Keep inventories indicating the location of all generations of audiovisual records, whether in agency storage or in another facility such as a laboratory or library distribution center.

(e) Schedule disposition of all audiovisual records as soon as practicable after creation. General Records Schedule 21 provides mandatory disposal authorization for temporary audiovisual records common to most Federal offices. Agencies must submit an SF 115, Request for Records Disposition Authority, to NARA to obtain authorization for the disposition of all other audiovisual records. The schedules covering permanent records must specify the different record elements identified in § 1228.184, and must always include related finding aids.

(f) Periodically review agency audiovisual recordkeeping practices for conformance with requirements and take necessary corrective action.

§ 1232.22 Nitrocellulose film.

Nitrocellulose-base film once used in the manufacture of sheet film and motion pictures may be occasionally found in records storage areas. The nitrocellulose base, a substance akin to gun cotton, is chemically unstable and highly inflammable.

(a) Agencies must remove nitrocellulose film materials from records storage areas.

(b) Agencies must immediately notify the National Archives about the existence of nitrocellulose film materials because of their age and instability. The National Archives will determine if they may be destroyed or destroyed after a copy is made for transfer, as appropriate.

(c) If the National Archives appraises nitrate film materials as disposable, but the agency wishes to retain them, agencies must follow the guidance in NFPA 40-1988, Standard for the Storage of Handling of Cellulose Nitrate Motion

Picture Film, which is incorporated by reference. NFPA 40-1988 is available from the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269. This standard is also available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, D.C. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated by reference as they exist on the date of approval and a notice of any change in these materials will be published in the Federal Register.

(d) The packing and shipping of nitrate film are governed by the following Department of Transportation regulations: 49 CFR 172.101, Hazardous materials table; 172.504, Transportation; 173.24, Standard requirements for all packages; and 173.177, Motion picture film and X-ray film—nitrocellulose base.

§ 1232.24 Unstable cellulose-acetate film.

Cellulose-acetate film, also known as safety film, is nonflammable and does not represent the same degree of hazard as nitrate film materials. Nonetheless, cellulose-acetate film also deteriorates over time. Temperature, humidity, harmful storage enclosures, and gaseous products influence the rate of deterioration. Agencies shall inspect cellulose-acetate film periodically for an acetic odor, wrinkling, or the presence of crystalline deposits on the edge or surface of the film that indicate deterioration. Agencies shall notify the National Archives within 30 days after inspection about deteriorating permanent or unscheduled audiovisual records composed of cellulose acetate so that they can be copied.

§ 1232.26 Storage conditions.

Agencies must: (a) Provide audiovisual records storage facilities that are secure from unauthorized access and make them safe from fire, water, flood, chemical or gas damage and from other harmful conditions. See NFPA 232-1991, Standard for the Protection of Records issued by the National Fire Protection Association, which is incorporated by reference. The standard is available from the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269. This standard is also available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, D.C. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C.

552(a) and 1 CFR part 51. These materials are incorporated by reference as they exist on the date of approval and a notice of any change in these materials will be published in the Federal Register.

(b) Maintain good ambient storage conditions for permanent or unscheduled audiovisual records. Generally, the temperature should not exceed 70 degrees Fahrenheit and relative humidity should be maintained between 30-40% and not to exceed 50%. Avoid fluctuating temperatures and humidity. Cooler temperatures and lower relative humidity are recommended for the storage of all film, to prolong the useful life of the film base and image. Cold temperatures combined with 30-35% relative humidity are especially recommended to retard the fading of color film.

(c) For the storage of permanent or unscheduled records, use audiovisual storage containers or enclosures made of noncorroding metal, inert plastics, paper products and other safe materials recommended and specified in ANSI standards: IT9.11-1993, Processed Safety Photographic Films Storage; and IT9.2-1991, Filing Enclosures and Storage Containers for Photographic Processed Films, Plates and Papers. These standards, which are incorporated by reference, are available from the American National Standards Institute (ANSI), Inc., 11 West 42nd Street, New York, NY 10036. These standards are also available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700 Washington, D.C. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated by reference as they exist on the date of approval and a notice of any change in these materials will be published in the Federal Register.

(d) Store originals and use copies (e.g., negatives and prints) separately, whenever practicable.

(e) Store series of permanent and unscheduled x-ray films in accordance with this section, and store series of temporary x-ray films under conditions that will ensure their preservation for their full retention period, in accordance with ANSI/NAPM IT9.11-1993, Processed Safety Photographic Films—Storage. This requirement does not apply to x-rays that are interspersed among paper records, as in case files.

§ 1232.28 Maintenance and operations.

Agencies must: (a) Handle audiovisual records in accordance with

commonly accepted industry practices because of their extreme vulnerability to damage. For further information, consult the American National Standards Institute (ANSI), Inc., 11 West 42nd Street, New York, NY 10036; and the Society of Motion Picture and Television Engineers, 595 West Hartsdale Avenue, White Plains, NY 10607.

(b) Use only personnel trained to perform their audiovisual duties and responsibilities and ensure that equipment intended for projection or playback is in good working order.

(c) Loan permanent or unscheduled audiovisual records to non-Federal recipients only in conformance with the provisions of part 1228 subpart E of this chapter. Such records may be loaned to other Federal agencies only if a record copy is maintained in the agency's custody.

(d) Take all steps necessary to prevent accidental or deliberate alteration or erasure of audiovisual records.

(e) Ensure that no information recorded on permanent or unscheduled magnetic sound or video media is erased.

(f) If different versions of audiovisual productions (e.g., short and long versions or foreign-language versions) are prepared, keep an unaltered copy of each version for record purposes.

(g) Maintain the association between audiovisual records and the finding aids for them, such as captions and published and unpublished catalogs, and production files and similar documentation created in the course of audiovisual production.

(h) Maintain disposable audiovisual records separate from permanent ones in accordance with General Records Schedule 21 and a records schedule approved by NARA for the agency's other audiovisual records.

§ 1232.30 Choosing formats.

Agencies must: (a) When ordering photographic materials for permanent or unscheduled records, ensure that still picture negatives and motion picture preprints (negatives, masters, etc.) are composed of polyester bases and are processed in accordance with industry standards as specified in ANSI/ISO 543-1990 (ANSI IT9.6-1991) Specifications for Safety Film for Photographic Films; IT9.1-1991 Specifications for Stability for Silver Gelatin Type Imaging Media; and, ASC PH4.8-1985 Determination and Measurement of Residual Thiosulfate and Other Chemicals in Films, Plates and Papers, which are incorporated by reference. (Currently, not all motion picture stocks are available on a

polyester base.) It is particularly important to limit residual sodium thiosulfate (hypo) on newly processed black-and-white photographic film to the range of .014 grams per square meter. Require laboratories to process film in accordance with this standard. Excessive hypo will shorten the longevity of film and accelerate color fading. Process color film in accordance with the manufacturer's recommendations. If using reversal type processing, request full photographic reversal; i.e., develop, bleach, expose, develop, fix, and wash. The standards cited in this paragraph are available from the American National Standards Institute (ANSI), Inc., 11 West 42nd Street, New York, NY 10036. These standards are also available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, D.C. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated by reference as they exist on the date of approval and a notice of any change in these materials be published in the Federal Register.

(b) Refrain from using motion pictures in a final "A & B" format (two precisely matched reels designed to be printed together) for the reproduction of excerpts or stock footage.

(c) Use only industrial or professional recording equipment and videotape, previously unrecorded, for original copies of permanent or unscheduled recordings. Limit the use of consumer formats to distribution or reference copies or to subjects scheduled for disposal. Video cassettes in the VHS format are unsuitable for use as originals of permanent or unscheduled records due to their inability to be copied without significant loss in image quality.

(d) Record permanent or unscheduled audio recordings on 1/4-inch open-reel tapes at 3 3/4 or 7 1/2 inches per second, full track, using professional unrecorded polyester splice-free tape stock. Audio cassettes, including mini-cassettes, are not sufficiently durable for use as originals in permanent records or unscheduled records although they may be used as reference copies.

§ 1232.32 Disposition.

The disposition of audiovisual records shall be carried out in the same manner as that prescribed for other types of records in part 1228 of this chapter. For further instructions on the transfer of permanent audiovisual records to the National Archives see

§ 1228.184 of this chapter, Audiovisual Records.

Dated: July 24, 1995.
John W. Carlin,
Archivist of the United States.
[FR Doc. 95-24024 Filed 9-27-95; 8:45 am]
BILLING CODE 7515-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[FRL-5301-1]

RIN 2060-AE39

National Emissions Standards for Radionuclide Emissions From Facilities Licensed by the Nuclear Regulatory Commission and Federal Facilities Not Covered by Subpart H

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of reopening of comment period.

SUMMARY: On December 1, 1992, EPA proposed to rescind 40 CFR part 61, subpart I, as it applies to facilities other than commercial nuclear power reactors licensed by the Nuclear Regulatory Commission (NRC) or NRC Agreement States. Subsequent to the publication of that proposal, EPA identified several concerns regarding the Agency's ability to make the substantive finding concerning the NRC program for these licensees necessary to support the proposed rescission under Clean Air Act Section 112(d)(9). As contemplated by Section 112(d)(9), EPA initiated consultations with NRC, and the agencies subsequently agreed on measures intended to resolve these concerns. EPA is today issuing this document because NRC has committed to propose a rule to constrain air emissions from licensees other than nuclear power reactors to a level which would result in a dose of no more than 10 mrem/year.

This document reaffirms the EPA proposal to rescind subpart I for NRC and Agreement State licensees other than nuclear power reactors, describes the expected proposed revisions to the NRC program which support such rescission, and invites additional comment on the sufficiency of the revisions of the NRC program to support the finding required by Section 112(d)(9). EPA is requesting comments only on the contents of this document and is establishing a 60 day period for receipt of all additional comments.

DATES: Comments concerning this document must be received by EPA on