

issued User Cards and urged that the Library not implement this policy.

Although Mr. McGuire's comments were considered, no changes were made to the original text of the proposed rules.

List of Subjects in 36 CFR Part 701

Libraries, Seals and insignias.

Final Regulations

In consideration of the foregoing the Library of Congress amends 36 CFR part 701 as follows:

PART 701—PROCEDURES AND SERVICES

1. The authority citation for part 701 will continue to read as follows:

Authority: 2 U.S.C. 136.

2. Section 701.5 is amended by redesignating the existing text as paragraph (b) and adding a new paragraph (a) to read as follows:

§ 701.5 The Library's reading rooms and public use thereof.

(a) All members of the public wishing to use materials from the Library's collections first must obtain a User Card. The Library will issue User Cards, in accordance with established access regulations, to those persons who present a valid photo identification card containing their name and current address. The Library-issued User Card will include the name, digitized photograph, and signature of the user. It must be presented when requesting materials housed in the book stacks or other non-public areas or upon request of a Library staff member. In accordance with Library regulations which prescribe the conditions of reader registration and use of Library materials, presentation of a User Card may be required for entry into certain reading rooms. The Library will maintain the information found on the User Cards, including the digitized photograph and other pertinent information, in an automated file for collections security purposes. Access to the automated file shall be limited to only those Library staff whose official duties require access. The automated file shall be physically separated and accessible only from inside the Library.

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3. Section 701.6 is amended by redesignating the existing text as paragraph (a), except for the last sentence which will be removed, and adding new paragraphs (b), (c), and (d) to read as follows:

§ 701.6 Service to the collections.

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(b) Definitions.

(1) *Security* means administration of continuing, effective controls in areas where materials are housed for the purpose of preprocessing or processing, storage, access, or use. These controls are designed to safeguard against theft, loss, misplacement, or damage from improper use or vandalism and may vary as appropriate to the quality, monetary value, replaceability, fragility, or other special or unusual conditions relating to the materials concerned.

(2) Library material means:

(i) Items in all formats (including, but not limited to, books and pamphlets; documents; manuscripts; maps; microfiche, microfilms, and other microforms; motion pictures, photographs, posters, prints, drawings, videotapes, and other visual materials; newspapers and periodicals; recorded discs, tapes, or audio/video/digital materials in other formats) either in the collections of the Library of Congress or acquired for and in process for the Library's collections;

(ii) Objects such as musical instruments, printing blocks, copper engraving plates, paintings, and scrolls, and

(iii) Control files, which are manual or automated files essential to the physical or intellectual access to Library materials, such as catalogs, computer tapes, finding aids, and shelflists. These include items that are acquired as an integral part of Library materials and are accessioned into the collections with them permanent inventory records, public catalogs, and other finding aids.

(3) *Security-controlled environment* means, but is not limited to: general and special reading rooms and research facilities where materials are issued under controlled circumstances for use of readers; the bookstacks and other storage facilities where materials are housed when not in use; and work areas where materials are held temporarily for processing.

(c) *General policy for use of Library materials.* Materials retrieved for readers' use shall be used only in assigned reading rooms or research facilities. Use elsewhere in Library buildings requires specific authorization from designated staff members of the custodial unit. Use of materials assigned to reference collections shall be in accordance with established regulations. To minimize the risk of theft, loss, or damage when the materials are removed from designated storage areas, the conditions of availability and use will vary as appropriate to the quality of materials, their monetary value, replaceability, format, physical condition, and the purpose for which

they are to be circulated—reader use within the Library, exhibits, preservation, photoduplication, or loan outside the Library. Unless otherwise specified by Library regulations, and/or legal or contractual obligations, the conditions and procedures for use of materials, including duplication, either inside or outside of the Library buildings, shall be determined by or in consultation with the unit head responsible for the custody of the material used.

(1) Any material removed from the security-controlled environment of a reading room or storage area, and meeting the established criteria must be charged as an internal or external loan through the Loan Division, in accordance with established loan regulations. The security of in-process material, and special collections material not meeting the criteria of these regulations, is the responsibility of the division chief or equivalent Library officer with physical control of the material. That division shall determine whether or not a Loan Division internal charge must be created when an item is removed for use. If a Loan Division record is not created, the division shall create and maintain a local record until the item is returned.

(2) When the period of use is completed, all materials shall be returned immediately to the custodial unit to be placed in designated shelf or other locations in assigned storage areas. Charge records for the returned materials shall be removed from the charge files.

(d) *Penalties.* Readers who violate established conditions and/or procedures for using material are subject to penalties to be determined by or in consultation with the unit head responsible for the custody of the material used.

(1) When a reader violates a condition and/or procedure for using material, the division chief or head of the unit where the infraction occurred may, upon written notification, deny further access to the material, or to the unit in which it is housed, to be determined by the nature of the infraction and the material involved.

(2) Within five workdays of receipt of such notification, the reader may make a written request, including the reasons for such request to the Associate Librarian for that service unit, or his/her designee, for a reconsideration of said notification.

(3) The Associate Librarian for that service unit, or his/her designee, shall respond within five workdays of receipt of such request for reconsideration and