

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION**36 CFR Part 1228**

RIN 3095-AA81

Agency Records Centers**AGENCY:** National Archives and Records Administration (NARA).**ACTION:** Proposed rule.

SUMMARY: NARA proposes to issue revised regulations updating the standards that records center storage facilities must meet to store Federal records. Since the regulations were last updated in 1982, there have been a number of advances in sprinkler systems and other general facility standards that significantly improve the environment and general safeguards for Federal records. This proposed rule also reflects updated information on certain measures that may prevent fire and water damage to records. NARA also recognizes the authority of agencies to contract with private entities for the storage of Federal records. NARA provides agencies with standards, procedures and guidelines for the use of such commercial records storage facilities. The regulation will apply to all agencies, including NARA, that establish and operate records centers, and to agencies that contract for the services of commercial records storage facilities.

DATES: Comments must be received by June 29, 1999.

ADDRESSES: Comments must be sent to Regulation Comment Desk (NPOL), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. Comments may be faxed to 301-713-7270.

FOR FURTHER INFORMATION CONTACT: Nancy Allard at (301) 713-7360, ext. 226.

SUPPLEMENTARY INFORMATION: Based upon advancements in technical knowledge and experience gained over the past two decades, NARA believes it is time to update the standards for the storage of Federal records in the legal custody of Federal agencies. For the first time, NARA's storage standards will be extended to cover NARA's records centers and commercial records storage facilities used by Federal agencies, as well as the currently covered centers operated and maintained by other Federal agencies. Regardless of where they are stored, it is the responsibility of each agency to ensure that records in their legal custody are stored in appropriate space. Agencies must

ensure that any records storage facility they use meets these updated standards. Agencies must obtain NARA's approval before establishing an agency records center or using an agency records center operated by another agency, and must provide to NARA documentation of compliance with the standards before transferring any agency records to a commercial records storage facility.

Federal records provide essential documentation of the Federal Government's policies and transactions and protect rights of individuals. These records must be stored in appropriate space to ensure that they remain available for their scheduled life. The proposed facility standards specify the required storage conditions when an agency's records are no longer maintained in agency office space. These proposed standards, which apply to records still in the legal custody of the agency, ensure that permanent records will be stored under environmental conditions equal to the office environmental conditions in which they were created.

The proposed basic facility standards outlined in § 1228.228 will apply to existing NARA and agency records centers and to commercial records storage facilities that are currently storing records. Any new NARA records center, any new agency-operated records center, and any new commercial records storage facility must also meet the standards for new facilities in these regulations.

All records storage facilities must meet the proposed fire-safety requirements in § 1228.230 when the rule becomes effective to protect against the loss of essential government evidence. We recognize that it may not be feasible to implement certain other provisions in existing facilities that met the standards in effect before this proposed change. Existing facilities must comply with requirements that minimize the risk of water damage to records from roof leaks or broken pipes within 10 years. Existing facilities that store permanent records prior to their transfer to the National Archives of the United States, unscheduled records, or sample/select records must meet the proposed environmental control standards within 10 years.

Because we believe that all newly acquired records storage space for Federal records should provide appropriate environmental controls and the best possible protection against records disasters, we are requiring that all new facilities that are used to store Federal records after the effective date meet certain higher or additional standards that reflect current knowledge

on protecting records from damage. For example, in proposed §§ 1228.230(b) and (e), we are proposing different fire protection specifications for walls and roofs that reflect experience over the past 15 years with fire suppression in records storage facilities. Professionally designed fire suppression systems function as designed in over 97 percent of all actual fires. However, in a small number of cases, either when the system has been deactivated, or the fire source far exceeded the design characteristics (e.g., arson with large quantities of gasoline), the suppression system may fail to contain the fire, resulting in a fire involving a full storage module. Since the contents of a 250,000 cubic foot module can burn at furnace heat for a day or more, venting a module that is totally involved in fire is necessary to prevent the spread of the fire to adjacent storage modules. Venting a fire which has involved an entire records storage module to the outside through an entire wall or roof relieves the heat and allows application of vast quantities of water directly to the fire, and allow firefighters to enter adjacent (protected) areas of the building to cool doors protecting wall openings with hose streams. Venting vast quantities of heat to the atmosphere and cooling with hose streams can enable a four hour fire wall to endure a fire that rages for many hours. For this reason, we require that new records storage facilities have one exterior wall of each stack area and the roof designed with a maximum fire rating of one-hour. The actual timing of wall or roof failure will depend on the specific fire characteristics: a one-hour wall may fail in 30 minutes in an extreme fire, or last several hours in a less extreme fire. However, it will fail substantially earlier than a four-hour wall, providing earlier venting and hose stream access. As the exterior walls and roofs play a significant role in protecting the contents from incursion of an exterior fire, we require, for new construction, walls and roofs rated at least 30-minutes but not more than one-hour.

NARA has developed the fire-related safety requirements in this proposed rule with the assistance of recognized experts in the field of fire suppression. These new performance-based standards for fire-suppression (sprinkler) systems limit the loss of records to a maximum of 300 cubic feet per incident. The standard has been set to reflect what current sprinkler technology can guarantee. The application of these performance-based standards offers significant protection for Federal records that are housed in records storage facilities. Our previously

established fire safety standards in Subpart K simply described the then-existing NARA-developed sprinkler fire suppression systems. The proposed rule describes a fire-suppression system that meets the new performance-based standard but allows the use of other systems if performance tests show they meet the new standard. See § 1228.232 which outlines the steps needed to certify a fire-safety detection and suppression system and § 1228.234 which outlines NARA's certified system.

Several new requirements reflect government-wide requirements imposed since the regulations were last updated in 1982. The building security requirements are those established by the Department of Justice for Level III Federal facilities. Seismic safety provisions are required by Executive orders and an integrated pest management program is mandated for Federal agencies by the Food Protection Act of 1996.

The proposed revision to subpart K also modifies the procedures for requesting NARA approval to establish or relocate an agency records center. The proposed procedures remove the requirement for agency justification of its choice of storage facility and provide that NARA will deny requests only if NARA determines that the proposed agency records center does not demonstrate full compliance with the standards in this subpart. No NARA approval is required for an agency to contract with a commercial records storage facility, but agencies must ensure that any such facility selected complies with NARA's requirements for the storage of Federal records. If an agency contracts with a commercial records storage facility, the agency must certify to NARA that the facility complies with Subpart K.

In a separate proposed rule published elsewhere in this separate part of the **Federal Register**, NARA is proposing to establish new definitions for "records center," "commercial records storage facility," and "records storage facility" that are referenced in this proposed rule. For the convenience of reviewers of this proposed rule, terms used in this regulation that are defined (or proposed for definition) elsewhere in NARA regulations are restated here:

Records storage facility is a facility used by a Federal agency to store Federal records, whether that facility is operated and maintained by the agency, by NARA, by another Federal agency, or by a private commercial entity. [proposed definition]

Commercial records storage facility is a private sector commercial facility that

offers records storage, retrieval, and disposition services. [proposed definition]

Records center is defined in 44 U.S.C. 2901(6) as an establishment maintained and operated by the Archivist or by another Federal agency primarily for the storage, servicing, security, and processing of records which need to be preserved for varying periods of time and need not be retained in office equipment or space. [proposed definition]

Permanent record means any Federal record that has been determined by NARA to have sufficient value to warrant its preservation in the National Archives of the United States. Permanent records include all records accessioned by NARA into the National Archives of the United States and later increments of the same records, and those for which the disposition is permanent on SF 115, Request for Records Disposition Authority, approved by NARA on or after May 14, 1973. [proposed definition]

Unscheduled records are records the final disposition of which has not been approved by NARA. Unscheduled records are those that have not been included on a Standard Form 115, Request for Records Disposition Authority, approved by NARA; those described but not authorized for disposal on an SF 115 approved prior to May 14, 1973; and those described on an SF 115 but not approved by NARA (withdrawn, canceled, or disapproved). [36 CFR 1220.14]

This rule is a significant regulatory action for the purposes of Executive Order 12866, and has been reviewed by OMB. As required by the Regulatory Flexibility Act, we certify that this proposed rule will not have a significant impact on small entities.

List of Subjects in 36 CFR Part 1228

Archives and records.

For the reasons set forth in the preamble, NARA proposes to amend part 1228 of title 36, Code of Federal Regulations, 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. chs. 21, 29, and 33.

2. Revise subpart K to read as follows:

Subpart K—Facility Standards for Records Storage Facilities

Sec.

General

1228.220 What authority applies to this subpart?

1228.222 What does this subpart cover?

1228.224 Publications incorporated by reference.

1228.226 Definitions.

Facility Standards

1228.228 What are the facility requirements for all records storage facilities?

1228.230 What are the fire safety requirements that apply to records storage facilities?

1228.232 What does an agency have to do to certify a fire-safety detection and suppression system?

1228.234 What is NARA's certified fire-safety detection and suppression system for records storage facilities?

1228.236 What are the requirements for environmental controls for records storage facilities?

Approval and Inspection Requirements

1228.240 How does an agency request authority to establish or relocate records storage facilities?

1228.242 When may NARA conduct an inspection of a records storage facility?

Subpart K—Facility Standards for Records Storage Facilities

General

§ 1228.220 What authority applies to this subpart?

NARA is authorized to establish, maintain and operate records centers for Federal agencies under 44 U.S.C. 2907. NARA is authorized, under 44 U.S.C. 3103, to approve a records center that is maintained and operated by an agency. NARA is also authorized to promulgate standards, procedures, and guidelines to Federal agencies with respect to the storage of their records in commercial records storage facilities. See 44 U.S.C. 2104(a), 2904 and 3102. The regulations in this subpart apply to all records storage facilities Federal agencies use to store, service, and dispose of their records.

§ 1228.222 What does this subpart cover?

(a) This subpart covers the establishment, maintenance, and operation of records centers, whether Federally-owned and operated by NARA or another Federal agency, or Federally-owned and contractor operated. This subpart also covers an agency's use of commercial records storage facilities. Records centers and commercial records storage facilities are referred to collectively as records storage facilities. This subpart specifies the minimum structural, environmental, property, and life-safety standards that a records storage facility must meet when the facility is used for the storage of Federal records.

(b) Except where specifically noted, this subpart applies to all records storage facilities. Certain noted

provisions apply only to new records storage facilities.

§ 1228.224 Publications incorporated by reference.

(a) *General.* The following publications cited in this section are hereby incorporated by reference into this part 1228. They are available from the issuing organizations at the addresses listed in this section. They are also available for inspection at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC. 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 as they exist on the date of approval, and a document indicating any change in these materials will be published in the **Federal Register**.

(b) *American Society of Testing and Materials (ASTM) standards.* The following ASTM standard is available from the American Society of Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA, 19428–2959, or on-line at www.astm.org:

E–119 (1998), Standard Test Methods for Fire Tests of Building Construction and Materials.

(c) *National Fire Protection Association (NFPA) standards.* The following NFPA standards are available from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269–9101, or on-line at www.catalog.nfpa.org:

NFPA 10 (1994), Standard for Portable Fire Extinguishers.

NFPA 13 (1996), Standard for the Installation of Sprinkler Systems.

NFPA 20 (1996), Standard for the Installation of Centrifugal Fire Pumps.

NFPA 40 (1997), Standard for the Storage and Handling of Cellulose Nitrate Motion Picture Film.

NFPA 42 (1997) Standard for Storage of Pyroxylin Plastics.

NFPA 72 (1996), National Fire Alarm Code.

NFPA 101 (1997), Life Safety Code.

NFPA 231 (1998), Standard for

General Storage.

NFPA 231C (1998), Standard for the Rack Storage of Materials.

NFPA 232 (1995), Standard for the Protection of Records.

NFPA 232A (1995), Guide for Fire Protection of Archives and Records Centers.

(d) *Underwriters Laboratory (UL) Standards.* The following UL standards are available from the Underwriters Laboratory at www.ul.com or from Global Engineering Documents, 15 Inverness Way East, Englewood, CO 80112:

UL 611, Central Burglar Alarm Systems.

UL 827, Central Fire Alarm Stations.

UL 1076, Proprietary Burglar Alarm Units and Systems.

(e) *American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. (ASHRAE) Standards.* The following ASHRAE standards are available from ASHRAE at ASHRAE Customer Service, 1791 Tullie Circle NE, Atlanta, GA 30329 or online at www.ASHRAE.org:

ASHRAE 55–1992, Thermal Environmental Conditions for Human Occupancy.

ASHRAE 62–1989, Ventilation for Acceptable Indoor Air Quality.

(f) *American National Standards Institute (ANSI) standards.* The following ANSI standards are available from the American National Standards Institute, 11 West 42nd St., New York, NY 10036:

ANSI/PIMA IT9.11–1998 Imaging Materials—Processed Safety Photographic Films—Storage

ANSI/PIMA IT9.18–1996 Imaging Materials—Processed Photographic Plates—Storage Practices.

ANSI/PIMA IT9.20–1996 Imaging Materials—Reflection Prints—Storage Practices.

ANSI/PIMA IT9.23–1997 Imaging Materials—Polyester Base Magnetic Material—Storage Practices.

ANSI/PIMA IT9.25–1998 Imaging Materials—Optical Disc Media—Storage.

§ 1228.226 Definitions.

The following definitions apply to this subpart:

(a) The terms *must* and *provide* indicate that a provision is mandatory.

(b) The terms *should* or *may* indicate that a provision is recommended or advised but not required.

(c) *Records center* has the meaning specified in § 1220.14 of this chapter.

(d) *Commercial records storage facility* has the meaning specified in § 1220.14 of this chapter.

(e) *Records storage facility* has the meaning specified in § 1220.14 of this chapter.

(f) *New records storage facility* means any records center or commercial records storage facility established or converted for use as a records center or commercial records storage facility on or after October 1, 1999.

(g) *Existing records storage facility* means any records center or commercial records storage facility used to store records on September 30, 1999, and has stored records continuously since that date.

(h) *Permanent record* has the meaning specified in § 1220.14 of this chapter.

(i) *Temporary record* has the meaning specified in § 1220.14 of this chapter.

(j) *Unscheduled records* has the meaning specified in § 1220.14 of this chapter.

(k) *Sample/Select records* means records whose final disposition requires an analytical or statistical sampling prior to final disposition authorization, in which some percentage of the original accession will be retained as permanent records.

Facility Standards

§ 1228.228 What are the facility requirements for all records storage facilities?

(a) The facility must be constructed with non-combustible materials and building elements, including walls, columns and floors. An agency may request a waiver of this requirement from NARA for an existing records storage facility with combustible building elements to continue to operate until October 1, 2009. In its request for a waiver, the agency must provide documentation that the facility has a fire suppression system specifically designed to mitigate this hazard and that the system has been certified in accordance with § 1228.232 to meet the requirements of § 1228.230(s). Requests must be submitted to the Director, Space and Security Management Division (NAS), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001.

(b) A facility with two or more stories must be designed or certified by a licensed fire protection engineer to avoid catastrophic failure of the structure due to an uncontrolled fire on one of the intermediate floor levels.

(c) The building must be sited a minimum of five feet above and 100 feet from any 100 year flood plain areas, or be protected by an appropriate flood wall.

(d) The facility must be designed in accordance with regional building codes to provide protection from building collapse or failure of essential equipment from earthquake hazards, tornados, hurricanes and other potential natural disasters.

(e) Roads, fire lanes and parking areas must permit unrestricted access for emergency vehicles.

(f) A floor load limit must be established for the records storage area by a licensed structural engineer. The limit must take into consideration the height and type of the shelving or storage equipment, the width of the aisles, the configuration of the space, etc. The allowable load limit must be posted in a conspicuous place and must not be exceeded.

(g) All roof mounted equipment is prohibited. Place nothing on the roof that may cause damage to the roof membrane. The requirements in this paragraph are effective [effective date of final rule] in new records storage facilities. Existing facilities must meet this requirement no later than October 1, 2009.

(h) Piping (with the exception of fire protection sprinkler piping and storm water roof drainage piping) must not be run through records storage areas. If drainage piping from roof drains must be run through records storage areas, the piping must be run to the nearest vertical riser and must include a continuous gutter sized and installed beneath the lateral runs to prevent leakage into the storage area. Vertical pipe risers required to be installed in records storage areas must be fully enclosed by shaft construction with appropriate maintenance access panels. The requirements in this paragraph are effective [effective date of final rule] in new records storage facilities. Existing facilities must meet this requirement no later than October 1, 2009.

(i) The following standards apply to storage shelving:

(1) All storage shelving must be designed and installed to provide seismic bracing that meets the requirements of Executive Order 12941, Seismic Safety of Existing Federally Owned or Leased Buildings (3 CFR, 1994 Comp., p. 955), or Executive Order 12699, Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction (3 CFR, 1990 Comp., p. 269);

(2) Steel shelving or other open-shelf records storage equipment must be braced to prevent collapse under full load. Each shelving unit must be industrial style shelving rated at least 50 pounds per cubic foot supported by the shelf;

(3) Compact mobile shelving systems (if used) must be designed to permit proper air circulation and fire protection (detailed specifications that meet this requirement can be provided by NARA by writing to Director, Space and Security Management Division (NAS), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001.).

(j) The area occupied by the records storage facility must be equipped with an anti-intrusion alarm system, or equivalent, meeting the requirements of Underwriters Laboratory Standard 1076, Proprietary Burglar Alarm Units and Systems, level AA, to protect against unlawful entry after hours and to monitor designated interior storage spaces. This intrusion alarm system

must be monitored in accordance with Underwriters Laboratory (UL) Standard 611, Central Burglar Alarm Systems.

(k) The facility must comply with the requirements for a Level III facility as defined in the Department of Justice, U.S. Marshals Service report Vulnerability Assessment of Federal Facilities dated June 28, 1995. These requirements are provided in Appendix A to this Part 1228.

(l) Records contaminated by hazardous materials, such as radioactive isotopes or toxins, infiltrated by insects, or exhibiting active mold growth must be stored in separate areas having separate air handling systems from other records.

(m) To eliminate damage to records and/or loss of information due to insects, rodents, mold and other pests that are attracted to organic materials under specific environmental conditions, the facility must have an Integrated Pest Management program as defined in the Food Protection Act of 1996 (Section 303, Public Law 104-170, 110 Stat. 1512). This states in part that Integrated Pest Management is a sustainable approach to managing pests by combining biological, cultural, physical, and chemical tools in a way that minimizes economic, health, and environmental risks. The IPM program emphasizes three fundamental elements:

(1) *Prevention.* IPM is a preventive maintenance process that seeks to identify and eliminate potential pest access, shelter, and nourishment. It also continually monitors for pests themselves, so that small infestations do not become large ones;

(2) *Least-toxic methods.* IPM aims to minimize both pesticide use and risk through alternate control techniques and by favoring compounds, formulations, and application methods that present the lowest potential hazard to humans and the environment; and

(3) *Systems approach.* The IPM pest control contract must be effectively coordinated with all other relevant programs that operate in and around a building, including plans and procedures involving design and construction, repairs and alterations, cleaning, waste management, food service, and other activities.

(n) New records storage facilities also must meet the requirements in this paragraph (n):

(1) Do not install mechanical and/or electrical equipment within records storage areas (either floor mounted or suspended from roof support structures).

(2) A redundant source of primary electric service such as a second

primary service feeder should be provided to ensure continuous, dependable service to the facility especially to the HVAC systems, fire alarm and fire protection systems.

(3) The facility must be kept under positive air pressure especially in the area of the loading dock. In addition, to prevent fumes from vehicle exhausts from entering the facility, air intake louvers must not be located in the area of the loading dock, adjacent to parking areas or in any location where a vehicle engine may be running for any period of time. Loading docks must have an air supply and exhaust system that is separate from the remainder of the facility.

§ 1228.230 What are the fire safety requirements that apply to records storage facilities?

(a) The fire detection and protection systems must be designed or certified by a licensed fire protection engineer.

(b) All walls separating records areas from each other and from other storage areas in the building must be 4-hour fire resistant. The records storage areas must not exceed a total capacity of 250,000 cubic feet of records each and must be constructed to prevent migration of fire and smoke to other spaces of the building.

(c) Fire walls that meet the following specifications must be provided:

(1) For existing records storage facilities, at least one-hour-rated fire walls must be provided between the records storage areas and other auxiliary spaces.

(2) For new records storage facilities, two-hour-rated fire walls must be provided between the records storage areas and other auxiliary spaces. One exterior wall of each stack area must be designed with a maximum fire resistive rating of 1 hour.

(d) Penetrations in the walls must not reduce the specified fire resistance ratings. The fire resistance ratings of structural elements and construction assemblies must be in accordance with American Society of Testing and Materials E-119, Standard Test Methods for Fire Tests of Building Construction and Materials.

(e) The fire resistive rating of the roof must be a minimum of 1/2 hour for all records storage facilities. For new records storage facilities, the fire resistive rating of the roof must also be a maximum of 1 hour.

(f) Openings in fire walls separating records storage areas must be avoided to the greatest extent possible but if openings are necessary they must be protected by self-closing or automatic

Class A fire doors, or equivalent, on each side of the wall openings.

(g) Roof support structures that cross or penetrate fire walls must be cut and supported independently on each side of the fire wall.

(h) If fire walls are erected with expansion joints, the joints must be protected to their full height.

(i) For new records storage facilities, building columns in the records storage areas must be 4-hour fire resistant from the floor to slab above or to the location where they connect to the roof framing system. For existing records storage facilities, the building columns must be at least 2-hour fire resistant.

(j) Automatic roof vents must not be designed into new records storage facilities.

(k) Where lightweight steel roof or floor supporting members (e.g., bar joists having top chords with angles 2 by 1½ inches or smaller, ¼-inch thick or smaller, and 13/16-inch or smaller web diameters) are present, they must be protected either by applying a 10-minute fire resistive coating to the top chords of the joists, or by retrofitting the sprinkler system with large drop sprinkler heads. If a fire resistive coating is applied, it must be a product that will not release (off gas) harmful fumes into the facility. If fire resistive coating is subject to air erosion or flaking, it must be fully enclosed in a drywall containment constructed of metal studs with fire retardant drywall. Retrofitting may require modifications to the piping system to ensure that adequate water capacity and pressure are provided in the areas to be protected with these large drop sprinkler heads.

(l) No open flame (oil or gas) unit heaters or equipment may be installed or used in any records storage area.

(m) For existing records storage facilities, boiler rooms or rooms containing equipment operating with a fuel supply (such as generator rooms) must be separated from records storage areas by 2-hour-rated fire walls with no openings directly from these rooms to the records storage areas. Such areas must be vented directly to the outside to a location where fumes will not be drawn back into the facility.

(n) For new records storage facilities, boiler rooms or rooms containing equipment operating with a fuel supply (such as generator rooms) must be separated from records storage areas by 4-hour-rated fire walls with no openings directly from these rooms to the records storage areas. Such areas must be vented directly to the outside to a location where fumes will not be drawn back into the facility.

(o) For new records storage facilities, fuel supply lines must not be installed in areas containing records and must be separated from such areas with 4-hour rated construction assemblies.

(p) Equipment rows running perpendicular to the wall must comply with the Life Safety Code (NFPA 101) with respect to egress requirements.

(q) No oil-type electrical transformers, regardless of size, except thermally protected devices included in fluorescent light ballasts, may be installed in the records storage areas. All electrical wiring must be in metal conduit, except that armored cable may be used where flexible wiring connections to light fixtures are required. Battery charging areas for electric forklifts must be separated from records storage areas with at least a 2 hour rated fire wall.

(r) Hazardous materials, including records on cellulose nitrate film, must not be stored in records storage areas. Nitrate motion picture film and nitrate sheet film may be stored in separate areas that meet the requirements of the appropriate NFPA standard, NFPA 40, Standard for the Storage and Handling of Cellulose Nitrate Motion Picture Film, or NFPA 42, Standard for Storage of Pyroxylin Plastics.

(s) All records storage and adjoining areas must be protected by a professionally-designed fire safety detection and suppression system that is designed to limit the maximum anticipated loss in any single fire event to a maximum of 300 cubic feet of records destroyed by fire. Sections 1228.232 and 1228.234 provide alternate means of complying with this requirement.

§ 1228.232 What does an agency have to do to certify a fire-safety detection and suppression system?

(a) The NARA fire-safety detection and suppression system specified in § 1228.234 has been tested and certified to meet the requirement in § 1228.230(s).

(b) Other automatic extinguishing systems or protective measures may meet the requirement in § 1228.230(s) depending upon specific conditions, such as the type and stacking height of the storage equipment used, or how the space is designed, controlled, and operated. Standards, such as those issued by the National Fire Protection Association (see NFPA 13, NFPA 231, NFPA 231C, NFPA 232 and NFPA 232A), may be used to design an alternative system. The effectiveness of alternative designs in meeting the requirements of § 1228.230(s) must be supported by independent testing

(Factory Mutual, Underwriters Laboratories or equivalent).

(c) Send a description of the alternative fire-safety detection and suppression system and documentation of the independent testing results to the Director, Space and Security Management Division (NAS), 8601 Adelphi Road, College Park, MD 20740-6001. NARA will maintain a list of approved alternative systems.

§ 1228.234 What is NARA's certified fire-safety detection and suppression system for records storage facilities?

Fire-safety systems that incorporate all components specified in paragraphs (a) through (o) of this section have been tested and certified to meet the requirements in § 1228.230 for an acceptable fire-safety detection and suppression system for storage of Federal records.

(a) The records storage height must not exceed 15 feet.

(b) All records storage and adjoining areas must be protected by automatic wet-pipe sprinklers. Automatic sprinklers are specified herein because they provide the most effective fire protection for high piled storage of paper records on open type shelving.

(c) The sprinkler system must be rated at no higher than 285 degrees Fahrenheit utilizing quick response (QR) fire sprinkler heads and designed by a licensed fire protection engineer to provide 0.30 gpm per square foot for the most remote 2,000 square feet of floor area at the most remote sprinkler head in accordance with NFPA 13. For facilities with roofs rated at 15 minutes or greater, provide ½" QR sprinklers rated at no higher than 285 degrees Fahrenheit designed to deliver a density of 0.56 gpm per square foot. For unrated roofs, provide 0.64" QR "large drop" sprinklers rated at no higher than 285 degrees Fahrenheit. For facilities using 7 or 8 shelf track files, use QR sprinklers rated at no higher than 285 degrees Fahrenheit. For new construction and replacement sprinklers, NARA recommends that the sprinklers be rated at 165 degrees Fahrenheit. Installation of the sprinkler system must be in accordance with NFPA 13.

(d) Maximum spacing of the sprinkler heads must be on a 10-foot grid and the positioning of the heads must provide complete, unobstructed coverage, with a clearance of not less than 18-inches from the top of the highest stored materials.

(e) The sprinkler system must be equipped with a water-flow alarm connected to an audible alarm within the facility and to a continuously staffed fire department or an Underwriters

Laboratory approved central monitoring station (see UL 827, Central Fire Alarm Stations) with responsibility for immediate response.

(f) A manual fire alarm system must be provided with a Underwriters Laboratory approved (grade A) central monitoring station service or other automatic means of notifying the municipal fire department. A manual alarm pull station must be located adjacent to each exit. Supplemental manual alarm stations are permitted within the records storage areas.

(g) All water cutoff valves in the sprinkler system must be equipped with automatic closure alarm (tamper alarm) connected to a continuously staffed station, with responsibility for immediate response. If the sprinkler water cutoff valve is located in an area used by the public, in addition to the tamper alarm, the valves must be provided with frangible (easily broken) padlocks.

(h) A dependable water supply free of interruption must be provided including a continuous site fire loop connected to the water main and sized to support the facility with only one portion of the fire loop operational. This normally requires a backup supply system having sufficient pressure and capacity to meet both fire hose and sprinkler requirements for 2-hours. A fire pump connected to an emergency power source must be provided in accordance with NFPA 20 when adequate water pressure is not assured. In the event that public water mains are not able to supply adequate volumes of water to the site, on-site water storage must be provided.

(i) Interior fire hose stations equipped with a 1½ inch diameter hose may be provided in the records storage areas if required by the local fire department, enabling any point in the records storage area to be reached by a 50-foot hose stream from a 100-foot hose lay. If provided, these cabinets must be marked "For Fire Department Use Only."

(j) Where fire hose cabinets are not required, fire department hose outlets must be provided at each floor landing in the building core or stair shaft. Hose outlets must have an easily removable adapter and cap. Threads and valves must be compatible with the local fire department's equipment. Spacing must be so that any point in the record storage area can be reached with a 50-foot hose stream from a 100-foot hose lay.

(k) In addition to the designed sprinkler flow demand, 500 gpm must be provided for hose stream demand. The hose stream demand must be

calculated into the system at the base of the main sprinkler riser.

(l) Fire hydrants must be located within 250 feet of each exterior entrance or other access to the records storage facility that could be used by firefighters. All hydrants must be at least 50 feet away from the building walls and adjacent to a roadway usable by fire apparatus. Fire hydrants must have at least two, 2½ inch hose outlets and a pumper connection. All threads must be compatible with local standards.

(m) Portable water-type fire extinguishers (2½ gallon stored pressure type) must be provided at each fire alarm striking station. The minimum number and locations of fire extinguishers must be as required by NFPA 10 (1994), Standard for Portable Fire Extinguishers.

(n) Single level catwalks without automatic sprinklers installed underneath may be provided in the service aisles if the edges of all files in the front boxes above the catwalks are stored perpendicular to the aisle (to minimize files exfoliation in a fire). Where provided, the walking surface of the catwalks must be of expanded metal at least .09-inch thickness with a 2-inch mesh length. The surface opening ratio must be equal or greater than 0.75. The sprinkler water demand for protection over bays with catwalks where records above the catwalks are not perpendicular to the aisles must be calculated hydraulically to give .30 gpm per square foot for the most remote 2,000 square feet.

§ 1228.236 What are the requirements for environmental controls for records storage facilities?

(a) *Paper-based temporary records.* Paper-based temporary records must be stored under environmental conditions that prevent the active growth of mold. Exposure to moisture through leaks or condensation, relative humidities in excess of 70%, extremes of heat combined with relative humidity in excess of 55%, and poor air circulation during periods of elevated heat and relative humidity are all factors that contribute to mold growth.

(b) *Nontextual temporary records.* Temporary nontextual records, including microforms and audiovisual and electronic records, must be stored in records storage space that will ensure their preservation for their full retention period. New records storage facilities that store nontextual temporary records must meet the following requirements [effective date of final rule]. Existing records storage facilities that store nontextual temporary records must meet

the following requirements no later than October 1, 2009. At a minimum, temporary nontextual records must be stored in records storage space that meets the requirements for medium term storage set by the appropriate standard in this paragraph (b). In general, medium term conditions as defined by these standards are those that will ensure the preservation of the materials for at least 10 years with little information degradation or loss. Records may continue to be usable for longer than 10 years when stored under these conditions, but with an increasing risk of information loss or degradation with longer times. If temporary records require retention longer than 10 years, better storage conditions (cooler and drier) than those specified for medium term storage will be needed to maintain the usability of these records. The applicable standards are:

(1) ANSI/PIMA IT9.11–1998 Imaging Materials—Processed Safety Photographic Films—Storage;

(2) ANSI/PIMA IT9.23–1997 Imaging Materials—Polyester Base Magnetic Material—Storage Practices;

(3) ANSI/PIMA IT9.25–1998 Imaging Materials—Optical Disc Media—Storage;

(4) ANSI /PIMA IT9.20–1996 Imaging Materials—Reflection Prints—Storage Practices; and/or

(5) ANSI/PIMA IT9.18–1996 Imaging Materials—Processed Photographic Plates—Storage Practices.

(c) *Paper-based permanent, unscheduled and sample/select records.* Paper-based permanent, unscheduled, and sample/select records must be stored in records storage space that provides 24 hour/365 days per year air-conditioning equivalent to that required for office space. See ASHRAE Standard 55–1992, Thermal Environmental Conditions for Human Occupancy, and ASHRAE Standard 62–1989, Ventilation for Acceptable Indoor Air Quality, for specific requirements. New records storage facilities that store paper-based permanent, unscheduled, and/or sample/select records must meet this requirement [effective date of final rule]. Existing storage facilities that store paper-based permanent, unscheduled, and/or sample/select records must meet this requirement no later than October 1, 2009.

(d) *Nontextual permanent, unscheduled, and/or sample/select records.* All records storage facilities that store microfilm, audiovisual, and/or electronic permanent, unscheduled, and/or sample/select records must comply with the storage standards for permanent and unscheduled records in

parts 1230, 1232, and/or 1234 of this chapter, respectively.

Approval and Inspection Requirements

§ 1228.240 How does an agency request authority to establish or relocate records storage facilities?

(a) *General policy.* Agencies are responsible for ensuring that records in their legal custody are stored in appropriate space as outlined in this subpart. Under § 1228.156(a), agencies are responsible for removing records from space that does not meet these standards if deficiencies are not corrected within 6 months after initial discovery of the deficiencies by NARA or the agency.

(1) *Agency records centers.* Agencies must obtain prior written approval from NARA before establishing or relocating an agency records center. Each separate agency records center must be specifically approved by NARA prior to the transfer of any records to that individual facility. If an agency records center has been approved for the storage of Federal records of one agency, any other agency that proposes to store its records in that facility must still obtain NARA approval to do so.

(2) *Commercial records storage facilities.* An agency may contract for commercial records storage services. However, before any agency records are transferred to a commercial records storage facility, the transferring agency must ensure that the facility meets all of the requirements for an agency records storage facility set forth in this subpart and must submit the documentation required in paragraph (e) of this section.

(b) *Exclusions.* For purposes of this section, the term "agency records center" excludes NARA-owned and operated records centers. For purposes of this section and § 1228.242, the term "agency records center" also excludes agency records staging and/or holding areas with a capacity for containing less than 25,000 cubic feet of records. However, such records centers and areas, including records centers operated and maintained by NARA, must comply with the facility standards in §§ 1228.228 through 1228.236.

(c) *Content of requests for agency records centers.* Requests for authority to establish or relocate an agency records center must be submitted in writing to the Director, Space and Security Management Division (NAS), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. The request must identify the specific facility and must document compliance with the standards in this subpart.

(d) *Approval of requests for agency records centers.* NARA will review the submitted documentation to ensure the facility demonstrates full compliance with the standards in this subpart. NARA reserves the right to visit the facility, if necessary, to make the determination of compliance. NARA will inform the agency of its decision within 45 days after the request is received. Requests will be denied only if NARA determines that the facility does not demonstrate full compliance with the standards in this subpart. Approvals will be valid for a period of 10 years, unless the facility is materially changed before then or an agency or NARA inspection finds that the facility does not meet the standards in this subpart. Material changes require submission of a new request for NARA approval.

(e) *Documentation requirements for storing Federal records in commercial records storage facilities.* At least 45 days before an agency first transfers records to a commercial records storage facility, the agency must submit documentation to NARA that the facility complies with the standards in this subpart. The documentation may take the form of a copy of the agency's contract that incorporates this subpart in its provisions or a statement from the agency records officer that certifies that the facility meets the standards in this subpart. An agency must provide the documentation for each separate commercial records storage facility where its records will be stored. Documentation must be sent to the Director, Space and Security Management Division (NAS), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. The agency must submit updated documentation to NARA every 10 years if it continues to store records in that commercial records storage facility.

§ 1228.242 When may NARA conduct an inspection of a records storage facility?

(a) At the time an agency submits a request to establish an agency records center, pursuant to § 1228.240, NARA may conduct an inspection of the proposed facility to ensure that the facility complies fully with the standards in this subpart. NARA may also conduct periodic inspections of agency records centers so long as such facility is used as an agency records center. NARA will inspect its own records center facilities on a periodic basis to ensure that they are in compliance with the requirements of this subpart.

(b) Agencies must ensure, by contract or otherwise, that agency and NARA officials, or their delegates, have the right to inspect commercial records storage facilities to ensure that such facilities fully comply with the standards in this subpart. NARA may conduct periodic inspections of commercial records storage facilities so long as agencies use such facilities to store agency records. The using agency, not NARA, will be responsible for paying any fee or charge assessed by the commercial records storage facility for NARA's conducting an inspection.

3. Appendix A is added to part 1228 to read as follows:

Appendix A to Part 1228—Minimum Security Standards for Level III Federal Facilities

Note: The full text of this appendix will appear in the final rule. Copies of the appendix may be obtained from the person listed in **FOR FURTHER INFORMATION CONTACT**.

Dated: February 25, 1999.

John W. Carlin,

Archivist of the United States.

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NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Parts 1220, 1222, and 1228

RIN 3095-AA86

Storage of Federal Records

AGENCY: National Archives and Records Administration.

ACTION: Proposed rule.

SUMMARY: NARA proposes to amend its records management regulations governing records creation, maintenance, and disposition to update provisions relating to the storage of Federal records. Current regulations focus on the use of NARA records centers for off-site storage and provide procedures for securing NARA approval of agency records centers. However, in addition to records centers operated by NARA and other Federal agencies, some agencies now use commercial records storage facilities for the storage of their records. Among the proposed changes is a new requirement that agencies maintain the same level of intellectual control over records stored in their own records centers and commercial records storage facilities, as is required for records stored in NARA records centers. As part of this requirement, agencies must report to NARA when permanent or unscheduled records are sent for storage to an agency records center or