

in the appendix to this part for the direct costs of search and reproduction of records available to the public.

(c) The Chief, Office Systems Services, is authorized to waive fees and charges, in whole or in part, where it is determined that the public interest is best served to do so, because waiver is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester. Persons seeking a waiver or reduction of fees may be required to submit a written statement setting forth the intended purpose for which the records are requested or otherwise indicate how disclosure will primarily benefit the public and, in appropriate cases, explain why the volume of records requested is necessary. Determinations made pursuant to the authority set out herein are solely within the discretion of the Chief, OSS.

(d) Fees and charges for services identified in the appendix to this part shall be paid in full by the requester before the records are delivered. Payment shall be made in U.S. funds by personal check, money order, or bank draft made payable to the Library of Congress. The Chief, OSS, shall remit all fees collected to the Director, Financial Services, who shall cause the same to be credited to appropriate accounts or deposited with the U.S. Treasury as miscellaneous receipts.

(e) The Chief, OSS, shall notify a requester and may require an advance deposit where the anticipated fees will exceed \$50.

APPENDIX A TO PART 703—FEES AND CHARGES FOR SERVICES PROVIDED TO REQUESTERS OF RECORDS

(a) Searches.

(1) There is no charge for searches of less than one hour.

(2) Fees charged for searches of one hour or more are based on prevailing rates.

Currently, those charges are:

Personnel searches (clerical)—\$15 per hour
Personnel searches (professional)—\$25 per hour

Reproduction costs—\$.50 per page
Shipping and mailing fees—variable

(3) In situations involving the use of computers to locate and extract the requested information, charges will be based on the di-

rect cost to the Library, including labor, material, and computer time.

(b) Duplication of Records. Fees charged for the duplication of records shall be according to the prevailing rates established by the Library's Photoduplication Service, or in the case of machine media duplication, by the Resources Management Staff, Information Technology Services.

(c) Certifications. The fee charges for certification of a record as authentic or a true copy shall be \$10.00 for each certificate.

(d) Other Charges. When no specific fee has been established for a service required to meet the request for records, the Chief, Office Systems Services, shall establish an appropriate fee based on direct costs in accordance with the Office of Management and Budget Circular No. A-25.

PART 704—NATIONAL FILM REGISTRY OF THE LIBRARY OF CONGRESS

Subpart A—Films Selected for Inclusion in the National Film Registry

Sec.

704.10 Criteria for the selection of films for inclusion in the National Film Registry.

704.11 Procedures for the public to recommend films for inclusion in the National Film Registry.

704.20 Films selected for inclusion in the National Film Registry in the Library of Congress for 1989.

704.21 Films selected for inclusion in the National Film Registry in the Library of Congress for 1990.

704.22 Films selected for inclusion in the National Film Registry in the Library of Congress for 1991.

704.23 Films selected for inclusion in the National Film Registry in the Library of Congress for 1992.

704.24 Films selected for inclusion in the National Film Registry in the Library of Congress for 1993.

Subpart B [Reserved]

AUTHORITY: Public Law 102-307, 106 Stat. 267 (2 U.S.C. 179).

Subpart A—Films Selected for Inclusion in the National Film Registry

§ 704.10 Criteria for the selection of films for inclusion in the National Film Registry.

(a) All of the films nominated for inclusion in the National Film Registry

should reflect the mission of the National Film Registry in the Library of Congress, found in section 202 of the National Film Preservation Act of 1992 (Pub. L. 102-307), of "maintaining and preserving films that are culturally, historically or aesthetically significant."

(b) In accordance with the intent of Congress, all of the guidelines for the selection of films in the National Film Registry are intended to be read broadly, so that as many films as possible will be eligible for inclusion in the National Film Registry.

(c) For the purposes of film selection, the term "film" means a "motion picture" as defined in the U.S. copyright law, except, that the term "film" does not include any work not originally fixed on film stock, such as a work fixed on videotape or laser disks. "Motion pictures" are defined in the copyright law as: "audiovisual works consisting of a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any." 17 U.S.C. 101.

(d) Films should not be considered for inclusion in the National Film Registry if no element or copy of the film exists. While the Librarian intends to promote the goals of film preservation and restoration provided for in the Act, no film will be denied inclusion in the National Film Registry because that film has already been preserved or restored.

(e) No film is eligible for inclusion in the National Film Registry until 10 years after such film's first publication. "Publication" is defined in the copyright act as: "the distribution of copies or phonorecords of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending. The offering to distribute copies or phonorecords to a group of persons for purposes of further distribution, public performance, or public display, constitutes publication. A public performance or display of a work does not of itself constitute publication." 17 U.S.C. 101.

[58 FR 30708, May 27, 1993]

§ 704.11 Procedures for the public to recommend films for inclusion in the National Film Registry.

(a) The public shall be informed of all open meetings of the National Film Preservation Board.

(b) A mailing address within the Library of Congress will be maintained to allow the public to make nominations of films to the Librarian and the National Film Preservation Board. All nominations should include the film title, and any other relevant information necessary to prevent confusion with similarly named titles.

(c) Materials will be available to congressional offices and members of the Board to make information available to the public regarding nominations of films. Materials will also be made available for distribution to libraries, movie theaters, and through the guilds and societies representing directors, producers, screenwriters, actors, cinematographers, film critics, film preservation organizations and representatives of academic institutions with film study programs, in order to encourage broad participation from the general public. Nominations received by the Librarian, will be forwarded to the Board to assist in the film selection process.

(d) All nominations for inclusion of films in the National Film Registry must be submitted in writing to the Librarian of Congress no later than March 30th of each year. All nominations should be mailed to: National Film Registry, Library of Congress, Washington, DC 20540.

[58 FR 30709, May 27, 1993]

§ 704.20 Films selected for inclusion in the National Film Registry in the Library of Congress for 1989.

(a) The Librarian of Congress, Dr. James H. Billington, after consultation with the National Film Preservation Board registers these films in the National Film registry within the Library of Congress for 1989:

- (1) The Best Years Of Our Lives (1946)
- (2) Casablanca (1942)
- (3) Citizen Kane (1941)
- (4) The Crowd (1928)
- (5) Dr. Strangelove (or, How I Learned To Stop Worrying And Love the Bomb) (1964)
- (6) The General (1927)