any act done or omitted by the ALJ or
by any of the parties is ground for
vacating, modifying or otherwise dis-
turbing an otherwise appropriate rul-
ing or order or act, unless refusal to
take such action appears to the ALJ or
the Board inconsistent with substan-
tial justice. The ALJ and the Board at
every stage of the proceeding must dis-
regard any error or defect in the pro-
ceeding that does not affect the sub-
stantial rights of the parties.

PART 4—NATIONAL LIBRARY OF
MEDICINE

Sec.
4.1 Programs to which these regulations
apply.
4.2 Definitions.
4.3 Purpose of the Library.
4.4 Use of Library facilities.
4.5 Use of materials from the collections.
4.6 Reference, bibliographic, reproduction,
and consultation services.
4.7 Fees.
4.8 Publication of the Library and informa-
tion about the Library.

AUTHORITY: 42 U.S.C. 216, 286.
SOURCE: 56 FR 29188, June 26, 1991, unless
otherwise noted.

§ 4.1 Programs to which these regula-
tions apply.
(a) The regulations of this part gov-
ern access to the National Library of
Medicine’s facilities and library collec-
tions and the availability of its bibliogra-
phic, reproduction, reference, and
related services. These functions are
performed by the Library directly for
the benefit of the general public and
health-sciences professionals as re-
quired by sections 465(b) (3)–(6) of the
Act (42 U.S.C. 286(b) (3)–(6)).
(b) The regulations of this part do not apply to:
(1) The Library’s internal functions
relating to the acquisition and preser-
vation of materials and the organiza-
tion of these materials as required by
sections 465(b) (1) and (2) of the Act (42
U.S.C. 286(b) (1) and (2)).
(2) The availability of “records”
under the Freedom of Information Act
or the Privacy Act of 1974 (5 U.S.C. 552,
552a). These matters are covered in 45
CFR parts 5 and 5b.
(3) Federal assistance for medical li-
braries and other purposes which are
authorized by sections 469–477 of the
Act (42 U.S.C. 286b to 286b–8). (See parts
59a, 61 and 64 of this chapter.)
(4) The availability of facilities, col-
lections, and related services of Re-
gional Medical Libraries established or
maintained under the authority in sec-
(See part 59a, subpart B of this chap-
ter.)

§ 4.2 Definitions.
As used in this part:
Act means the Public Health Service
Act, as amended (42 U.S.C. 201 et seq.).
Collections means all books, periodi-
cals, prints, audiovisual materials,
films, videotapes, recordings, manu-
scripts, and other resource materials of
the library. It does not include data
processing tapes or programs used sole-
ly for internal processing activities to
generate reference materials, nor does
it include “records” of the Library as
defined in 45 CFR 5.5. Records of the
Library are available in accordance
with the regulations under the Free-
dom of Information Act and Privacy
Act of 1974. (See 45 CFR parts 5 and 5b.)
Director means the Director of the
National Library of Medicine or the Di-
rector’s delegate.
Health-sciences professional means any
person engaged in: (1) The administra-
tion of health activities; (2) the provi-
sion of health services; or (3) research,
teaching, or education concerned with
the advancement of medicine or other
sciences related to health or improve-
ment of the public health.
Historical collection means: (1) Mate-
rials in the collections published or
printed prior to 1914; (2) manuscripts
and prints; (3) the archival film collec-
tion; and (4) other materials of the col-
lections which, because of age, or
unique or unusual value, require spe-
cial handling, storage, or protection for
their preservation, as determined by
the Director.
Library means the National Library of
Medicine, established by section 465
of the Act (42 U.S.C. 286).
Regional Medical Library means a
medical library established or main-
tained as a regional medical library
under section 475 of the Act (42 U.S.C.
286b–6).