



# Administrative Notes

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## GPO & National Archives Unite in Support of Permanent Online Public Access

### Agreement Names GPO a NARA Affiliated Archives and Sets Framework for Collaboration Between the Two Agencies

Archivist of the United States John W. Carlin and United States Public Printer Bruce R. James announced today an agreement whereby the Government Printing Office (GPO) and the National Archives and Records Administration (NARA) will ensure the documents you see today on GPO Access <[www.gpoaccess.gov](http://www.gpoaccess.gov)>, the GPO Web site that provides free online public access to more than 250,000 Federal Government titles, will remain available permanently.

“GPO is committed to providing permanent public access to the online versions of the most important Government publications. That is why we are honored that NARA has recognized our commitment to making this information available today and to preserving it for future generations by making us an archival affiliate,” said Public Printer James.

Archivist Carlin said “Preserving the essential evidence of our Government’s work is a serious responsibility and we feel confident that working together with GPO will enable us to ensure that these records will continue to be available for all to use.”

Librarians, including members of the Association of Research Libraries and the American Association of Law Libraries, have long been concerned about the need to ensure permanent public access to and preservation of electronic government information.

“This new agreement is a critically important step that demonstrates the Federal Government's commitment to these concerns. We applaud GPO and NARA for working collaboratively so that the public will have access to this valuable information, both today and in the future,” said Janis L. Johnston, President of American Association of Law Libraries.

The GPO-NARA agreement covers the content on GPO Access including the online versions of the Congressional Record, the Federal Register, the Code of Federal

Regulations, and other electronic publications distributed by the Superintendent of Documents. GPO Access provides free online public access to more than 250,000 Federal Government titles.

In addition, persons without Internet access at home, school, or office may access these publications through GPO's nationwide network of more than 1,200 Federal depository libraries, which provide specialized assistance and services to local users.

## Physical Copy vs. Web: How Reliable Are Online Versions of U.S. Federal Publications?

Permanent public access (PPA) to Federal publications was historically provided through the Federal Depository Library Program (FDLP) with its network of partner libraries located across the United States and in U.S. territories. In recent years with the emergence of the online environment, the implementation of GPO Access and the transition to an electronic depository library program, this responsibility has shifted to the U.S. Government Printing Office (GPO). While clearly not the only Federal agency with a responsibility for the permanence of information, GPO has been a leader in establishing a broader understanding of the PPA commitment in the Federal information community.

GPO made a strong commitment in the early stages of electronic information to provide permanent public access to online Federal publications. PPA is achieved by maintaining GPO Access files, archiving publications from other agency Web sites at the time of cataloging and by entering into partnerships with Federal agencies and

depository libraries. This strategy is described in "Managing the FDLP Electronic Collection: A Policy and Planning Document" that is online at [http://www.access.gpo.gov/su\\_docs/fdlp/pubs/ecplan.html](http://www.access.gpo.gov/su_docs/fdlp/pubs/ecplan.html).

One of the avenues for including a Web publication in the FDLP Electronic Collection is GPO bringing that publication under bibliographic control. GPO cataloging records for Web publications include persistent links to the online content. These Persistent Uniform Resource Locators (PURLs) are verified on an ongoing basis, and any nonfunctioning links are restored. In addition, GPO downloads and archives a copy of any Web publication that lacks a tangible counterpart in the FDLP.

At present more than 60% of the publications made available through the FDLP are online publications. Public Printer Bruce R. James recently forecasted that soon this percentage would reach 95%. Online publications are accessible through the hyperlinks contained

in the bibliographic records of the Catalog of U.S. Government Publications (CGP), available at <http://www.gpoaccess.gov/cgp/index.html>. The New Electronic Titles (NET) service alerts users to online titles that were recently added to the CGP. NET is online at [http://www.access.gpo.gov/su\\_docs/locators/net/index.html](http://www.access.gpo.gov/su_docs/locators/net/index.html).

Depository libraries are permitted to substitute online versions for their tangible copies, provided certain stipulations are met. PPA is one of those stipulations. The substitution guidelines, which were implemented in May 1999, are online at [http://www.access.gpo.gov/su\\_docs/fdlp/col1-dev/subguide.html](http://www.access.gpo.gov/su_docs/fdlp/col1-dev/subguide.html).

Currently GPO is working with the depository library at the University of Arizona on a pilot project to develop an electronic depository collection. The University's selection profile is used as the basis for this project. The yearlong project, which began September 1, 2002, focuses on identifying and changing formats to online electronic resources whenever possible. For more information on the University of Arizona/GPO pilot see: <http://www.library.arizona.edu/library/teams/sst/pol/guide/gpo-pilot/index.html>.

Title 44 of the United States Code is the statutory authority for GPO's Federal Depository Library Program, the Cataloging and Indexing Program, and current and permanent access to Federal electronic information. GPO takes this mandate very seriously and would not consider taking action that might jeopardize the public's access to its Government's information. If GPO questioned the reliability and stability of online information, the transition to an electronic depository library program would not be happening, electronic depository collections would not be considered and libraries would not be allowed to substitute tangible materials for online publications. In fact the online environment allows GPO and depositories to provide increased access to publications referred to as "fugitive documents." In the tangible publication paradigm, documents whose printing was procured outside of GPO frequently were not available for distribution to depository libraries. Today, in the online era, publications formerly unobtainable in tangible format are identified, cataloged, archived and made accessible to the public.

If there are any questions about online Federal publications or related issues, please send them to [askLPS@gpo.gov](mailto:askLPS@gpo.gov).

# Fugitive Documents—On the Loose or On the Run

Presentation by Gil Baldwin  
Director, Library Programs Service, GPO

American Association of Law Libraries Conference  
Seattle, WA, July 15, 2003

I want to thank Mark Bartlett for asking me to be part of your program this year. I have spent many years trying to get a handle on the fugitive documents problem, and it has generally been a source of a lot of frustration: for you, for library users who expect publications to be available, and for my staff, who try to track them down.

In the past, fugitive documents have been rounded up one by one, often at great expense of time and effort. Usually we found out about a title well after publication, so our chances of getting a copy in the program were slim. But now there may a light at the end of tunnel. The recent GPO-OMB agreement on printing has the potential to change things for the better.

## **Definition and Scope**

First, though, it is useful to define what we mean when we are talking about fugitives. I wonder if all of us in this room share a common definition of this oft-used term? In GPO's view, the definition of fugitive document depends upon whether you are talking about tangible products or online publications. In the tangible world, and this is the traditional view, a fugitive is defined as a U.S. Government publication that falls within the scope of the Federal Depository Library Program (FDLP), but has not been included in the FDLP. These publications

include tangible products such as ink-on-paper, microforms, tapes, films, CD-ROMs, or DVDs. Anything in which content is recorded upon a substrate. The transition to a predominantly electronic FDLP has spawned a second major category of fugitive documents, the online fugitives. Today, many agencies choose to publish online, typically via agency Web sites, without using GPO or perhaps without producing any analogous print edition. In such cases, the online publication is incorporated in the FDLP by the processes of GPO cataloging and archiving the digital object. In the absence of any notification coming from the publishing agency, GPO is obliged to rely upon time-intensive Web site "mining," input from the library community, stories in the news media, and cues from print publications to discover Web publications that would otherwise be fugitive from the FDLP.

## **How Fugitives Happen**

Fugitive documents most commonly occur when Federal agencies print or procure the printing of their publications on their own, without going through GPO. Tangible publications in the FDLP are usually obtained through a "rider" process, in which the Superintendent of Documents adds the number of copies required for GPO's dissemination programs to an agency's printing requisition to GPO. By law, the cost

of FDLP copies is borne by the Superintendent of Documents when the publication has been requisitioned from GPO. When an agency obtains printing other than through GPO, the agency should notify GPO as to what has been printed, supply a copy for the Cataloging and Indexing Program, and bear the cost of those copies required for the FDLP. In practice, these legal requirements are rarely met. Because GPO has always lacked enforcement authority, the ability to remedy the situation was limited.

### **How Many Are There?**

The number of fugitive print documents has been estimated as about 50% of the universe of Federal printing, but this estimate may be conservative. A 1998 Inspector General review of the National Institutes of Health's (NIH) compliance with depository requirements found that 78% of NIH's publications that qualified for depository distribution were not being provided to the Superintendent of Documents as required by law. Compliance varies among agencies and disciplines as well, as scientific and technical information has long been underrepresented in the FDLP. In January 2000, a former director of the National Technical Information Service (NTIS) stated that there were as many "50,000 gray literature NTIS titles" that were fugitives from the FDLP.

The number of online fugitive publications at this time could be in the vicinity of 250,000. This is a very "iffy" number, in spite of our best efforts to get a handle on it. We know there are far more Federal Web pages than that, but a lot of what's out there does not meet the Title 44 definition of "publication" so it is not in scope for the FDLP. Federal Web pages do not necessarily equate to online fugitives, but we do not know what the ratio is so we can develop a decent "guesstimate."

### **What Do We Do About Fugitives?**

The key to dealing with fugitives is awareness. GPO has to know about a publication before we can acquire it for the FDLP. This seems terribly obvious, but usually it is the first point where things break down. In the print paradigm, awareness came from monitoring printing orders that came through GPO. If we did not get to see a print order, the odds were high the title went fugitive; it was "on the loose." Almost never did agencies notify us about publications being produced outside of GPO. In these cases where documents escaped our scrutiny, the only recourse was to contact the agency and beg for copies. There was no penalty to the agency, as no enforcement authority was vested in GPO. Often the best we could do was to obtain a copy to convert to microfiche.

In the electronic world, the fugitive situation still relies upon awareness. Once we know about an online publication, we classify it, catalog it, assign an item number, and in many cases download a copy into our digital archive. These acts make the publications part of the FDLP Electronic Collection. As such, GPO's commitment to permanent public access takes over, and we are committed to keeping that title accessible in perpetuity.

The awareness factor is why our partners in the depository community are such a vital part of the fugitive publications solution. The AALL Fugitive & Electronic Documents Committee, the Electronic Documents Working Group (EDWG) that spontaneously arose from the Depository Library Council, and lots of individual documents librarians have been extremely helpful and productive in bringing fugitives to our attention. Your submissions have been helpful and constructive, and we appreciate the thought

that has been put into them. We almost never see a submission that is out-of-scope for the program, and your recommendations about dissemination format are generally consistent with the guidelines that we use. When these groups got started, I was concerned that we might be swamped by submissions, and develop a backlog in processing them. But this has not happened and projects have somehow scaled themselves nicely.

Another interesting side effect happens when you call our attention to a title. Sometimes we go on to identify a whole cluster of related fugitives, and on occasion we have found an entire fugitive agency, a government publisher we did not know about. Examples of previously fugitive agencies include:

- Defense Science Board
- US Commission on International Religious Freedom
- Technology Administration, Dept. of Commerce
- National Museum of the American Indian
- National Intelligence Council, CIA
- National Drug Intelligence Center
- Office of the National Counterintelligence Executive

But all of this is retail trade; we're dealing with fugitives one at a time, and perpetually behind the curve. How can we get in a proactive position, dealing with groups of publications on a wholesale basis, with a program with teeth? These seemed like insoluble questions until the "deal with OMB," more formally known as the GPO/OMB compact. [For more information on the compact, see Administrative Notes, v. 24, # 7, 6/15/03.]

## **OMB Compact**

GPO is working on a number of pilot projects to test various services that GPO may offer in the future. Perhaps the most exciting one, and certainly the one that has received the most press, is the agreement between the Office of Management and Budget (OMB) and GPO. This agreement is truly a win for all concerned. It is an innovative approach to contracting for Executive Branch printing that is completely within GPO's statutory responsibility under Title 44.

Under the agreement, an agency may choose its own commercial printers using standard contracts issued by GPO. The publishing agency will pay GPO, and GPO will pay the printer, less a modest 3% fee to cover GPO's contracting and administrative costs. However, the printer will not be paid until the Superintendent of Documents has received two print copies and one electronic copy.

This will give GPO an electronic copy, in a format specified by GPO, of each publication for dissemination to the public, directly and through the FDLDP. It will also give us two copies of last resort so GPO can, if necessary, create a new digital copy in the future if the electronic copy can no longer be used due to changes in technology or other problems.

The agreement also preserves the right of the Superintendent of Documents to purchase from the printer, at GPO's expense, additional copies for sale or depository distribution. And, as if that wasn't enough, OMB will limit agency use of in-house and other Executive Branch printing capability and seek to have all appropriate publications from such facilities provided to the Superintendent of Documents as required by Title 44.

This agreement will be tested with a single agency during FY 2004, which begins this October 1. If after a year of testing it is successful, it will be extended to other agencies in FY 2005. The agency has not yet been designated, but we expect to know within the next few weeks what agency OMB has chosen for the pilot project.

The agreement should go a long way toward eliminating the fugitive document problem and bring many more titles into the FDLP. The Public Printer, Bruce James, deserves enormous credit for listening to the concerns of OMB and the Executive Branch agencies and making them an offer that addresses their concerns, stays within the legal requirements of Title 44, and improves public access to government information.

Mr. James is rightfully proud that he was able to work with OMB to address their concerns and develop a new approach for Federal printing that fits the 21st century. Had OMB published the revised FAR regulations enabling executive branch agencies to buy their printing directly, by-passing the GPO, it would have had disastrous consequences for GPO and set up a potential legal battle between the legislative and executive branches. Instead, this new agreement helps to ensure that GPO remains the focal point for Federal document printing and processing in the 21st century, and ensures compliance so that GPO can reduce the fugitive document problem.

### **Permanent Public Access**

Electronic fugitives, once rounded up, require constant vigilance to make sure they don't escape again. This is what permanent public access, PPA, is all about. GPO's commitment to permanent public access to electronic resources requires that we manage and preserve the FDLP Electronic Collection

for current and future public use. This responsibility dovetails with the continuity of government concerns in the post-9/11 era. GPO's computer backup and mirror site facilities in Pueblo, CO and the Alternative Congressional Facility ensure the continued availability of this vital content and metadata.

GPO is negotiating an agreement with the National Archives and Records Administration (NARA), making GPO an official "archival affiliate." All of the GPO Access databases are considered the official archival copies as if they had been transferred to NARA, but GPO will continue to maintain them for permanent public access. This agreement also has the potential to reduce fugitive documents.

In the future the agreement may be expanded to make GPO Access databases the official archival copy, not just as a record of GPO's actions, but also as the official record of the publishing agency's actions in producing the information. If that occurs, then an agency could deposit an electronic copy with GPO once and meet not just its responsibilities to the Federal Depository Library Program, but also the requirements of the Federal Records Act and the Electronic Records Act. This would be a powerful incentive for agencies to provide electronic content to GPO for public access and preservation.

GPO has also decided to re-establish a comprehensive collection of tangible and electronic documents as a collection of last resort for the program, and to facilitate repurposing of digital content such as keeping publications from going "out-of-print."

These are examples of the kind of innovation you will continue to see from GPO, and the agreements with OMB and NARA should give you every reason to be encouraged about our ability to work together to define a bright

future for the Federal Depository Library Program and other public information

dissemination services of the Government Printing Office.

## National Needs and Offers List: An Important Collection Development Tool

*[Taken from an announcement by Bill Gordon, the Needs and Offers list coordinator, on GOVDOC-L.]*

Everyone is a winner at  
<<http://www.und.edu/fdlp/>>!

Looking for a great way to cut down on the e-mail traffic? Compile your list of needs and offers, and then, offer them weekly right here. Check out <[http://www.und.edu/fdlp/about\\_no.html](http://www.und.edu/fdlp/about_no.html)> to see how easy it is to get your lists on line.

Regional libraries do you have a link from the "National Needs and Offers List" to your listings? The "National Needs and Offers List" is on line twenty four hours a day, seven days a week at <<http://www.und.edu/fdlp/>>.

The National Needs and Offers list is updated weekly.

The N&O list is a tool used by depository librarians for collection development purposes, in which selective depositories seeking to dispose of publications withdrawn from their collections may place publications with other depositories.

Depository libraries can offer their discards here, after they are over 5 years old and after they have first offered them to their Regional library, according to their Regional's implementation procedures of the FDLP weeding regulations, as explained in Chapter 4 of the Instructions to Depository Libraries. Submit lists, or a URL that links to a list on

your library's Web site, by e-mail or e-mail attachment, to William (Bill) Gordon at [william.gordon@mail.und.nodak.edu](mailto:william.gordon@mail.und.nodak.edu). Please use "GovDoc Exchange List" as the subject line. Lists will be posted for 90 days, or less if the library that submitted the list requests that their list be removed before the 90 days are completed. Please include contact information somewhere either at the top or bottom of the list, in addition to the e-mail message.

### Recommendations:

Include SuDocs classification numbers, titles, item numbers and publication dates; list titles in SuDocs number order, and include in the list any special instructions you feel are pertinent (e.g. "reimburse postage only in stamps, please") and, again contact information.(e.g. Federal Depository number, Library name, State and e-mail contact address).

- Please check your lists at:  
<[http://www.und.edu/fdlp/about\\_no.html](http://www.und.edu/fdlp/about_no.html)> should your list be linked. Please ensure it's updated.
- Looking for Government Documents? Look no more, check the selection we have at <<http://www.und.edu/fdlp/#o>>
- Need to see if someone can use your old Government Documents, look no more; check out this list at:  
<<http://www.und.edu/fdlp/index.html#n>>



- To add your library's Needs and/or Offers Lists to this listing please refer to:  
<[http://www.und.edu/fdlp/about\\_no.html](http://www.und.edu/fdlp/about_no.html)>

If you would like a Needs or Offers list taken off of the national list before the 90-day period is up, simply e-mail me at <[william.gordon@mail.und.nodak.edu](mailto:william.gordon@mail.und.nodak.edu)>. Use GovDocs Exchange List as your subject. Let me know if you want it removed. It's that easy!

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## Documents Sales Catalogs Now Online Only

Due to the popularity of the GPO Online Bookstore, the demand for a printed version of Documents sales catalogs has decreased. The Fall 2003 issue of the U.S. Government Subscription catalog will be the last issue of the printed catalog. GPO has also stopped printing issues of the Subject Bibliographies.

The bibliographies are still available as "Browse a Topic" on the home page of the U.S. Government Online Bookstore <<http://bookstore.gpo.gov>>. The Subscriptions catalog is also available on the home page.

## Remarks by Judy Russell Superintendent of Documents

Narrative to accompany PowerPoint Presentation on Regulations.gov  
E-GOV 2003, June 12, 2003

PowerPoint Presentation: [www.access.gpo.gov/su\\_docs/fdlp/pubs/adnotes/egov-053003.html](http://www.access.gpo.gov/su_docs/fdlp/pubs/adnotes/egov-053003.html)

Text-only version of PowerPoint Presentation: [www.access.gpo.gov/su\\_docs/fdlp/pubs/adnotes/egov-053003.txt](http://www.access.gpo.gov/su_docs/fdlp/pubs/adnotes/egov-053003.txt)

[Russell portion of presentation covered slides 6 through 9]

- Federal regulations implement Federal laws and establish the rights and obligations of the public and government under specific legislative authority. Before a Federal agency may adopt new regulations, it is required to notify the public about its intentions and solicit comments on proposed rules.
- Since 1934 that system has been administered by the Office of the Federal Register and proposed and final regulations have been promulgated through the Federal Register and codified in the Code of Federal Regulations (CFR). This provides a centralized system that insures public

notice of proposed regulations and public access to existing regulations.

- In 1994, the Federal Register was made available for free public access on GPO Access <[www.gpoaccess.gov](http://www.gpoaccess.gov)>. In 1996, the CFR became available on *GPO Access*. Currently, an average of 4 million Federal Register documents and 7.5 million CFR documents are downloaded from *GPO Access* each month. This service has vastly expanded timely public access to official regulatory information. The day a proposed rule is published, it is available on *GPO Access* and can be viewed and downloaded from anywhere in the world. People who are remote from Washington are no longer disadvantaged by the need to wait for the paper copies to arrive days after publication.
- In order to implement laws passed by Congress, more than 4,000 new rules are created each year by approximately 160 different Federal agencies. As many as 500 rules can be open for comment at any given time.
- In 2001, more than 23 million people and organizations submitted comments on proposed rules. Over 80,000 pages of notices, proposed and final rules were published in the Federal Register in 2002.
- Regulations.gov Web site <[www.regulations.gov](http://www.regulations.gov)> is the first milestone in reaching the goals of the President's eRulemaking Initiative, one of the President's Management Initiatives. The eRulemaking Initiative is focused on creating a simple web-based tool for viewing and commenting on proposed rules. The Regulations.gov Web site was created as a first step in this process.
- Regulations.gov can be traced back to an effort by the interagency E-Government Task Force, a group of about 80 Federal

employees from across the Government, which was created to develop an action plan for implementing the President's E-Government Initiative.

- The E-Government Task Force gathered input from government employees conducting over 71 interviews with more than 150 senior Government officials and identifying 200 possible project ideas from e-mails sent by Federal employees. As a result, the E-Government Task Force found that the Federal Government could significantly improve customer service over the next 18-24 months by focusing on 24 E-government initiatives.
- One of the 24 identified E-government initiatives to improve citizen service, make Government more efficient and save taxpayer money was the Online Rulemaking initiative. Regulations.gov is the first phase of this effort. Our vision is to make sure that citizens can easily access and participate in a high quality, efficient and open rulemaking process. The goals for the initial module are:
  - Improved citizen and intergovernmental participation in the full lifecycle of rulemaking;
  - Improved regulatory policies and outcomes through greater quality, management efficiency, and transparency in the rulemaking process (collaboration, effectiveness); and
  - Provide an easy and consistent way for the public to search, view and comment on proposed Federal rules
- The goal for Module 2 is to create a centralized Federal Government docket system.

- The goal for Module 3 is to build a seamless, integrated, unified, and cost-effective regulatory management system.
- As with many Federal initiatives, the Regulations.gov Web site is the result of a unique collaborative effort of five agencies and six different contracting firms.
  - EPA is the Managing Partner for the overall eRulemaking Initiative, and hosts the comment portion.
  - NARA/OFR designed the Web site, search function and database application that tracks rules for comment.
  - GPO provides the full text of the proposed rules and user support through the GPO Access User Support Team and hosts the Web site for identification of proposed rules.
  - HHS/FDA provided the initial comment application that was further modified specifically for this site and technical support to launch.
  - DOL and several other agencies are providing additional technical support for XML documentation/registry and testing.
  - In addition, all agencies including the DOT, USDA, FCC, GSA, DOJ, and HUD provided extensive in-house and contractual support.
- This effort involved collaboration and teamwork, with each participating agency working from its strengths and contributing some of its resources.
- Regulations.gov efficiently employs the power of the existing information systems at GPO and NARA. The same Federal Register documents that GPO provides online through *GPO Access* are also used to keep Regulations.gov up-to-date. Therefore, Regulations.gov is updated every business day as new regulations are proposed. All the rules that are open for comment are cataloged and then posted to the site. Via Regulations.gov, citizens have easy, manageable access and the ability to comment on these proposed rules at one Web site.
- The successful public launch of this Web site was accomplished on January 23, 2003 with dignitaries participating from OMB, EPA, HHS/FDA, NARA/FR and GPO. Since its launch on January 23, 2003, there have been over 750,000 connections to the Web site, averaging 8,000 hits per day.

John Moses from EPA will show a demonstration of the site, and we encourage you to stop at the booth to try the Regulations.gov service yourself after this presentation.

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