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CODE COUNCIL®

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*Hilton Head Island, South Carolina*

October 5, 2005

Mr. Allen Weinstein  
Archivist of the United States

EXECUTIVE DIRECTOR  
Bureau of Construction Codes & Fire Safety  
Michigan Dept. of Labor & Economic Growth  
*Lansing, Michigan*

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SECRETARY/TREASURER  
**WALLY BAILEY, C.B.O.**  
Director, Development

Subject: Final Rule on Records Center Facility Standards, BPL 2005-AD-11470

DEPUTY  
*Murray, Utah*

DEAR MR. WEINSTEIN,

**EDWIN M. BERKEL, C.F.I.**  
Fire Marshal  
Mehlville Fire Protection District  
*St. Louis, Missouri*

The International Code Council (ICC) respectfully requests the National Archives and Records Administration (NARA) provide and publish a clarification of the

JAMES L. PROFFER

**JOHN DARNALL, C.B.O.**  
Assistant Director of  
Development Services  
*Tumwater, Washington*

sound, reasonable and effectively implemented as well as consistent with federal laws and regulations. While we appreciate the time and effort NARA has taken in development of the final rule, we do not believe it can be effectively implemented as proposed; in particular due to deficiencies in the findings used in it as a final rule. The basis for rejection of certain comments submitted by ICC is both

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Director, Dept. of  
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*Chessterfield, Virginia*

**GERALD D. GEORGE, C.B.O.**

For these reasons ICC is providing the following response to the final rule and

Building Inspector  
*Saint Paul, Minnesota*

> Regarding section 1228.224 ICC had commented that NARA should adopt the

**HONORABLE L. LYNN**  
Building Official

consistency and uniformity in building regulations used throughout the U.S. NARA rejected this comment on the basis that the ICC Codes are not "ANSI

**KEVIN H. SCOTT**

on the ICC model codes, cannot be used by NARA or any other federal

Director of Codes Compliance  
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and Advancement Act (P.L. 111-271), clearly establish that standards adopted by federal agencies should meet the principles of openness, transparency, balance of interest, due process, appeals process, and consensus. While ANSI does

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Fire Chief  
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CHIEF EXECUTIVE OFFICER  
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provide a service to standards developers (including ICC) to certify the use of the abovementioned principles in standards development processes, the Act and the Circular do not reference ANSI nor confer to any specific entity an agency on the part of the Federal

states that:

The policies in this Circular are intended to reduce to a minimum the reliance by agencies on government-unique standards. The policies **do not** create the bases for discrimination in agency procurement or regulatory activities among standards developed in the private sector, whether or not they are developed by voluntary consensus standards bodies.

codified in. The ICC is a voluntary consensus body and the process used to develop the ICC Codes is open, has a balance of interests involved, provides due process, has an appeals process, provides for consensus, the resolution of objections by interested parties, and the fair consideration of all comments. As noted in ICC's previous comments, numerous federal

- Regarding section 1226.220 the term now used by NARA is inconsistent with terms used by federal, state and local regulators and the design and construction community at large. Uniformity is advantageous and the ICC assumes that NARA will take the necessary steps to

testing laboratories and building product manufacturers on NARA's regulations as they relate to fire barrier walls and how they would be applied given the terminology and criteria on the

the need to continue to develop and maintain government developed criteria. In keeping with

- Regarding section 1228.230(1) rejection of the ICC comment concerning conflict, safety concerns, consistency with state and local codes, etc. associated with certain heating equipment solely on the basis that the ICC Codes are not ANSI approved highlights an additional weakness in NARA's issuance of the final rule in this matter. Given NARA's reliance on and reference to local building codes for seismic criteria it seems logical then to codes exist then refer to the ICC Codes, National Fuel Gas Code or Uniform Mechanical Code as minimum acceptable alternatives.

- Regarding section 1228.232 ICC provided a reasonable suggestion for NARA to reference a more recent edition of certain ASHRAE standards. NARA's response was simply "we declined to act on this comment at this final rule stage". The reason stated is that most records storage buildings are existing buildings. This does not seem to be an appropriate response to what ICC believes is a reasonable comment. Other federal agencies, as well as state and

and race likely violation of state or local law.

D. This rulemaking has required and will require many resources, including staff time to review public

rule reveals a serious weakness in NARA's reliance on ANSI and the application of ANSI accreditation as an exclusive or even discriminatory factor in its findings. ICC has additional concerns in this rulemaking that go beyond this issue, as indicated above. ICC respectfully requests meeting with appropriate NARA officials to further discuss our concerns.

Sincerely,



Sara Yerkes  
Senior Vice President of Government Relations