ANNOUNCEMENT
from the Copyright Office, Library of Congress, Washington, D.C. 20559

PROPOSED RULES

FREEDOM OF INFORMATION ACT; SCHEDULE OF FEES AND METHODS OF PAYMENT FOR SERVICES RENDERED

The following excerpt is taken from Volume 53, Number 2 of the Federal Register for Tuesday, January 5, 1988 (pp. 153 - 155)

ADDRESS: Interested parties should submit ten copies of their written comments to: Office of the General Counsel, Copyright Office, Library of Congress, Department 100, Washington, DC 20540, or (by hand): Office of the General Counsel, James Madison Memorial Building, Room 407, First and Independence Avenue SE., Washington, DC 20540.


DATE: Comments must be received on or before February 4, 1988.

1 Error: line should read: "Copyright Office"
2 Error: line should read: "59, pages 10017-10020, and the Justice"
services and the amount of the chargeable fees. Fees pursuant to title 5
U.S.C., section 552 for all other services not involving the public records of the
Copyright Office will be assessed according to the schedule in paragraph
(b) of this section. All fees so assessed shall be charged to the requester, except
where the charge is limited under paragraph (c) of this section or where a
waiver or reduction of fees is granted under paragraph (d) of this section.

Requests by record subjects seeking for copies of records about themselves shall be
processed under the Privacy Act fee schedule found in 37 CFR 204.8.

(b) FOIA requests. In responding to requests under this part, the following fees
shall be assessed, unless a waiver or reduction in fees has been granted
pursuant to paragraph (d) of this section:

(1) For copies of certificates of copyright registration, $4.
(2) For copies of all other Copyright Office records not otherwise provided
for in this section $.45 per page.
(3) For each hour or fraction of an hour spent in searching for a requested
record, $10, except that no search fee shall be assessed with respect to
requests by educational institutions, non-commercial scientific institutions,
and representatives of the news media.

Search fees shall be assessed with respect to all other requests, subject to
the limitations of paragraph (c) of this section. Fees may be assessed for time
spent searching even if the search fails to locate any responsive records or
where the records located are subsequently determined to be entirely
exempt from disclosure.

(4) For certification of each document, $4.

Other costs incurred by the
Copyright Office in fulfilling a request will be chargeable at the actual cost to
the Office.

(5) For computer searches of records, which may be undertaken through the
use of existing programming, the actual direct costs of conducting the search
including the cost of operating a central processing unit for that portion of
operating time that is directly attributable to searching for records responsive
to a request, as well as the direct costs of operator/programmer salary
applicable to search (at no more than $10.00 per hour or fraction thereof thereof)
spent.

(7) No review fees will be charged for
time spent in resolving legal or policy
issues affecting access to Office records.

No charge will be made for the time
involved in determining whether some or all such records may be withheld.

(c) Fee limitations. The following
limitations on fees shall apply:

[1] Except for requesters seeking

(ii) The primary interest in disclosure. Whether the magnitude of the
identified commercial interest of the requester is sufficiently large, in
comparison with the public interest in disclosure, that disclosure is "primarily
in the commercial interest of the requester." amended

(4) Where only a portion of the
requested records satisfies both of the
requirements for a waiver, or reduction
of fees under this paragraph, a waiver or
reduction shall be granted only as to
that portion.

e) Notice of anticipated fees in
excess of $25.00. Where the Office
determines or estimates that the fees to
be assessed under this section may
amount to more than $25.00, the Office
shall notify the requester as soon as
practicable of the actual or estimated
amount of the fees. If the requester
agrees in writing to pay the fees before
being received by the requester has
agreed to pay the anticipated total fee.
A notice to a requester pursuant to this
paragraph shall offer him the
opportunity to confer with Copyright
Office personnel in order to reformulate
his request to meet his needs at a lower
cost.

(f) Aggregation of requests. Where the
Office reasonably believes that a
requester or a group of requesters acting
in concert is attempting to divide a
request into a series of requests for the
purpose of evading the assessment of fees, the Office may aggregate any such
requests and charge accordingly.

(1) Advance payments. (1) Where the
Office estimates that a total fee to be
assessed under this section is likely to
exceed $250.00, it may require the
requester to make an advance payment
of an amount up to the entire estimated
fee before beginning to process the
request, except where it receives a
satisfactory assurance of full payment
from a requester with a history of
prompt payment.

(2) Where a requester has previously
failed to pay a records access fee within
30 days of the date of billing, the Office
may require the requester to pay the full
amount owed, plus any applicable
interest (as provided for in paragraph (h)
of this section), in order to make an advance
payment of the full amount of any
estimated fee before the Office begins to
process a new request or continues to
process a pending request from that
requester.
(3) For requests other than those described in paragraph (g)(1) and (g)(2) of this section, the Office shall not require the requester to make an advance payment, i.e., a payment made before work is commenced or continued on a request. Payment owed for work already completed is not an advance payment.

(h) Charging interest. The Office may assess interest charges on an unpaid bill starting on the 31st day following the day on which the bill was sent to the requester. Once a fee payment has been received by a component of the Office, even if not processed, the accrual of interest shall be stayed. Interest charges shall be assessed at the rate prescribed in section 3717 of title 31 U.S.C. and shall accrue from the date of the billing.

Ralph Oman,
Register of Copyrights.
Approved by:
James H. Billington,
The Librarian of Congress.

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