

contacting the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Short Brothers, PLC: Docket 98–NM–32–AD.

Applicability: All Model SD3–60 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent overheating and possible failure of certain electrical diodes, which could result in loss of electrical service to one or more airplane electrical circuits, accomplish the following:

(a) Within 90 days after the effective date of this AD, perform a one-time visual inspection to detect discrepancies of certain diode mounting assemblies on electrical panels 1C, 2C, 12P, 27C, and 51C, in accordance with Shorts Service Bulletin SD360–39–04, Revision 1, dated January 12, 1998.

(1) If no discrepancy is found, prior to further flight, perform the follow-on actions specified in the service bulletin in accordance with the Accomplishment Instructions of the service bulletin.

(2) If any discrepancy is found, prior to further flight, repair or replace the discrepant diode mounting assembly component with a serviceable component in accordance with a method approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 3: The subject of this AD is addressed in British airworthiness directive 008–09–97 (undated).

Issued in Renton, Washington, on March 25, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–8537 Filed 3–31–98; 8:45 am]

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UNITED STATES INFORMATION AGENCY

22 CFR Part 503

Electronic Freedom of Information Act; Implementation

AGENCY: United States Information Agency.

ACTION: Proposed rule.

SUMMARY: This rule establishes requirements and conditions necessary for the implementation of the new Electronic Freedom of Information Act (FOIA) Amendments of 1996, 5 U.S.C. 552, as amended by Pub. L. 104–231. This addition to the present regulation will establish criteria that will enable FOIA requesters to better understand how documents of the Agency are maintained and handled electronically.

DATES: Comments must be submitted on or before May 1, 1998.

ADDRESSES: Public comments should be mailed to the FOIA/PA Unit, Office of the General Counsel, United States Information Agency (USIA), Room M–20, 301 4th Street, SW, Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: FOIA/PA Unit on (202) 619–5499, or write to the Unit, Office of the General Counsel, United States Information Agency (USIA), Room M–29, 301 4th Street, SW, Washington, DC 20547.

SUPPLEMENTARY INFORMATION: This amendment to the Freedom of Information Act, 5 U.S.C. 552, establishes criteria which the Agency will follow for maintaining and handling electronic records. Regulatory provisions include application of requirements to electronic format information and to such information made available electronically honoring form or format requested. Additionally, this amendment includes standards for judicial review, timely responses, including Agency consideration of priority requests, computer redactions, and new reporting information to Congress. This amendment is required by the Electronic Records Act of 1996. It has been determined that this addition is not a significant regulatory action and it will not:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy; a section of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof;

(4) Have a significant economic impact on a substantial number of small entities; or

(5) Impose any reporting or record keeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Comments are encouraged and will be taken under advisement.

List of Subjects in 22 CFR Part 503

Freedom on Information.

Accordingly, 22 CFR Part 503 is amended as set forth below.

PART 503—FREEDOM OF INFORMATION ACT REGULATION

1. The authority citation for part 503 is revised to read as follows:

Authority: 5 U.S.C. 552 Reform Act of 1986 as amended by Pub. L. 99–570; sec. 1801–1804; 13 U.S.C. 8; E.O. 10477, as amended; 47 FR 9320, Apr. 2, 1982, E.O. 12356, 5 U.S.C. 552 (1988 & Supp. III 1991) as amended by Freedom of Information Reform Act of 1986, Pub. L. No. 99–570, title I, Sec. 1801–1804, 100 Stat. 3207, 3207–48–50 (1986) (codified at 5 U.S.C. 552 (1988)); 22 U.S.C. 2658 (1988); 5 U.S.C. 301 (1988); 13 U.S.C. 8 (1988); Executive Order No. 10477, 3 CFR 958 (1949–1953) as amended by Executive Order No. 10822, 3 CFR 355 (1959–1963), Executive Order No. 12292, 3

CFR 134 (1982); reprinted in 22 U.S.C. 1472 (1988); Executive Order No. 12356, 3 CFR 166 (1983), reprinted in 50 U.S.C. 401 (1988); Executive Order No. 12598; Electronic Records Act of 1996, Pub. L. 104-231, 110 Stat. 3048.

2. By adding § 503.9 to read as follows:

§ 503.9 Electronic Records Act of 1996.

(a) *Introduction.* This part applies to all records of the United States Information Agency, including all of its foreign posts. Congress enacted the FOIA to require Federal agencies to make records available to the public through public inspection and at the request of any person for any public or private use. The increase in the Government's use of computers enhances the public's access to Government information. This new section addresses and explains how records will be reviewed and released when the records are maintained in electronic format. Documentation not previously subject to the FOIA when maintained in a non-electronic format is not made subject to FOIA by this law.

(b) *Definitions.*

Compelling need. Obtaining records on an expedited basis because of an imminent threat to the life or physical safety of an individual, or urgently needed by an individual primarily engaged in disseminating information to the public concerning actual or alleged Federal Government activities.

Discretionary disclosure. Records or information normally exempt from disclosure will be released whenever it is possible to do so without reasonably foreseeable harm to any interest protected by an FOIA exemption.

Electronic reading room. The room provided which makes electronic information available for review by the public.

Electronic records. Records and information (including e-mail) which are created, stored, and retrievable by electronic means.

Expedited processing. FOIA requesters can seek faster processing of their requests under specific criteria.

Form or format requests. Providing the record in any form or format asked for by the requester if the record is readily reproducible in that form or format.

Multitrack processing. Processing requests along different tracks depending upon the date of receipt, amount of work and time involved in processing the requests, and whether the request qualifies for expedited processing.

Reading room. A place to review records previously released that the

Agency considers likely to be the subject of subsequent FOIA requests.

Reasonable efforts. Standard governing the search for and production of information in electronic form.

Record. A "record" under the FOIA includes electronically stored information. All Government records are subject to the Act, regardless of the form in which they are stored.

Redaction. Deleting part of a record to prevent disclosure of material covered by an exemption.

Storage media. A record in electronic format can be requested just like a record on paper, or in any other format, within enumerated exceptions, and can potentially be fully disclosed under the law. The format in which data is maintained is not relevant under the FOIA.

(c) *Electronic format of records.*

(1) Materials such as agency opinions and policy statements (available for public inspection and copying) are also available by computer. To set up an appointment to view such records in hard copy or via computer, please contact the FOIA/PA Unit on (202) 619-5499.

(2) The Agency will make available for public inspection and copying, both by computer and in hard copy, those records that have been previously released in response to FOIA requests, when the agency determines the records have been or are likely to be the subject of future requests.

(3) The Agency provides both electronically and in hard copy a "Guide" on how to make an FOIA request, and an Index of all Agency records that may be requested under the FOIA.

(4) The Agency may delete identifying details when it publishes or makes available the index and copies of previously-released records to prevent a clearly unwarranted invasion of personal privacy.

(i) The Agency will indicate the extent of any deletions made from the previously-released records by marking the place on the record where the deletion was made, if feasible.

(ii) The Agency will not reveal information about deletions if such disclosure would harm an interest protected by an exemption.

(d) *Honoring form or format requests.* The Agency will aid requesters by providing records and information in the form requested, including electronic format, if we can readily reproduce them in that form or format. However, if we cannot accommodate the requester, we will provide responsive, nonexempt information in a reasonably accessible form.

(1) The Agency will make a reasonable effort to search for records kept in an electronic format. However, if the effort would significantly interfere with the operations of the Agency or the Agency's use of its computers, we will consider the effort to be unreasonable.

(2) The Agency need not create documents that do not exist, but computer records found in a database rather than in a file cabinet may require the application of codes or some form of programming to retrieve the information. This application of codes or programming of records will not amount to the creation of records.

(3) Except in unusual cases, the cost of computer time will not be a factor in calculating the two free hours of search time. In those unusual cases, where the cost of conducting a computerized search significantly detracts from the Agency's ordinary operations, no more than the dollar equivalent of two hours of manual search time shall be allowed. For searches conducted beyond the first two hours, the Agency shall only charge the direct costs of conducting such searches.

(e) *Technical feasibility of redacting non-releasable material.* The Agency will make every effort to indicate the place on the record where a redaction of non-releasable material is made, and an FOIA citation noting the applicable exemption for the deletion will also be placed at the site. If unable to do so, we will notify you of that fact.

(f) *Ensuring timely response to requests.* The Agency will make every attempt to respond to FOIA requests within the prescribed 20 working-day time limit. However, processing some requests may require additional time in order to properly screen material against the inadvertent disclosure of material covered by the exemptions.

(1) *Multitrack first-in first-out processing.* (i) Because the Agency has been able to process its requests without a backlog of cases, USIA will not institute a multitrack system. Those cases that may be handled easily, because they require only a few documents or a simple answer, will be handled immediately by each specialist.

(ii) If you wish to qualify for processing under a faster track, you may limit the scope of your request so that we may respond more quickly.

(2) *Unusual Circumstances.* (i) The Agency may extend for a maximum of ten working days the statutory time limit for responding to an FOIA request by giving notice in writing as to the reason for such an extension. The reasons for such an extension may include: the need to search for and collect requested records from multiple

offices; the volume of records requested; and, the need for consultation with other components within the Agency.

(ii) If an extra ten days still does not provide sufficient time for the Agency to deal with your request, we will inform you that the request cannot be processed within the statutory time limit and provide you with the opportunity to limit the scope of your request and/or arrange with us a negotiated deadline for processing your request.

(iii) If you refuse to reasonably limit the scope of your request or refuse to agree upon a time frame, the Agency will process your case as it would have, had no modification been sought. We will make a diligent, good-faith effort to complete our review within the statutory time frame.

(3) *Aggregation of requests.* The Agency will aggregate requests that clearly involve related material that should be considered as a single request.

(i) If you make multiple or related requests for similar material for the purpose of avoiding costs, the Agency will notify you that we are aggregating your requests, and the reasons why.

(ii) Multiple or related requests may also be aggregated, such as those involving requesters seeking similar information, for the purposes of negotiating the scope of the requests and schedule, but you will be notified in advance if we intend to do so.

(g) *Time periods for Agency consideration of requests.*—(1) *Expedited processing.* The Agency will authorize expedited access to requesters who show a compelling need for a fast response, but the burden is on the requester to prove that expedition is appropriate. The Agency will determine within ten days whether or not to grant a request for expedited access and will notify the requester of its decision.

(2) *Compelling need for access.* Failure to obtain the records within an expedited deadline must pose an imminent threat to an individual's life or physical safety; or the request must be made by someone primarily engaged in disseminating information, and who has an urgency to inform the public about actual or alleged Federal Government activity.

(3) *How to request expedited access.* We will be required to make factual and subjective judgments about the circumstances cited by requesters to qualify them for expedited processing. To request expedited access, your request must be in writing and it must explain in detail your basis for seeking expedited access. The categories for compelling need are intended to be narrowly applied:

(i) *A threat to an individual's life or physical safety.* A threat to an individual's life or physical safety should be imminent to qualify for expedited access to the records. You must include the reason why a delay in obtaining the information could reasonably be foreseen to cause significant adverse consequences to a recognized interest.

(ii) *Urgency to inform.* The information requested should pertain to a matter of a current exigency to the American public, where delay in response would compromise a significant recognized interest. The person requesting expedited access under an "urgency to inform," must be primarily engaged in the dissemination of information. This does not include individuals who are engaged only incidentally in the dissemination of information. "Primarily engaged" requires that information dissemination be the main activity of the requester. A requester only incidentally engaged in information dissemination, besides other activities, would not satisfy this requirement. The public's right to know, although a significant and important value, would not by itself be sufficient to satisfy this standard.

(4) *Expansion of Agency response time.* The new law provides that agencies now have 20 working-days to respond to all FOIA requests. However, when possible, we will continue to respond to requests within the former 10 working-day time frame.

(5) *Estimation of matter denied.* the Agency will try to estimate the volume of any denied material and provide the estimate to the requester, unless doing so would harm an interest protected by an exemption.

(h) *Computer redaction.* The Agency will identify the location of deletions in the released portion of the records, and where technologically feasible, will show the deletion at the place on the record where the deletion was made, unless including that indication would harm an interest protected by an exemption.

(i) *Report to Congress.* In addition to the information already provided to Congress in the Agency's Annual Report on FOIA Activities, the Agency will include the following: the number of Privacy Act (PA) requests handled; the number of backlogged requests; the number of days taken to process requests; the number of staff devoted to processing FOIA requests; whether a claimed (b)(3) statute has been upheld in court; and the costs of litigation. The Agency's annual report is available both in hard copy and by computer telecommunications. In the past, annual

reports were required based on a calendar year and were provided to Congress on or before March 1 of the following year. However, the new law has changed the annual reporting requirements now to be related to the Agency's fiscal year. Thus, the Annual Report to Congress on FOIA activities for 1997 only encompassed the first nine months (January through September), and was reported by March 1, 1998. The FY 98 report will begin in October 1997 and conclude at the end of September 1998. This report will be presented to the Department of Justice instead of Congress, by February 1, 1999, and Justice will report all Federal agency FOIA activity through electronic means.

(j) *Reference materials and guides.* The Agency has available both in hard copy and by computer a guide for requesting records under the FOIA and an index and description of all major information systems of the Agency. The guide is a simple explanation of what the FOIA is intended to do, and how you can use it to access USIA records. The Index explains the types of records that may be requested from the Agency through FOIA requests and why some records cannot, by law, be made available by USIA.

Dated: March 26, 1998.

Les Jin,

General Counsel.

[FR Doc. 98-8472 Filed 3-31-98; 8:45 am]

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LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 201, 202, 203, 204 and 211

[Docket No. 98-2]

Fees

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice is issued to inform the public that the Copyright Office is proposing new fees for special services. The effect of these proposed amendments is to increase existing fees and to institute fees for existing special services as authorized in the Copyright Act. These fees are limited to such special services, and each fee is based on the actual cost to the Office of providing that service. The proposed amendments include revisions to existing fees covering full-term storage, special handling of copyright