

(b) *Details in your letter.* Your request for documents should provide as many details as possible that will help us find the records you are requesting. If there is insufficient information, we will ask you for more. Include your telephone number(s) to help us reach you if we have questions. If you are not sure how to write your request or what details to include, you may call the FOIA Office to request a copy of the Agency's booklet "Guide and Index of Records," or access the same information via the Internet on USIA's World Wide Web site (<http://www.usia.gov>). The more specific the request for documents, the faster the Agency will be able to respond to your request(s).

(e) *Responding to your request.* * * *

(2) *Furnishing records.* (i) The Agency is only required to furnish copies of records which we have or can retrieve, we are not compelled to create new records. 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.

(ii) We may decide to conserve government resources and at the same time supply the records you need by consolidating information from various records, in paper form or electronically, rather than copying them all. If the effort to produce records in electronic format would significantly interfere with the operations of the Agency, we will consider the effort to be an unreasonable search.

(iii) The Agency is required to furnish only one copy of a record. If we are unable to make a legible copy of a record to be released, we will not attempt to reconstruct it. Rather we will furnish the best copy possible and note its poor quality in our reply or on the copy.

(iv) If we cannot accommodate the request for form or format, we will provide responsive, nonexempt information in a reasonably accessible form.

§ 503.3 [Amended]

4. In § 503.3 revise "partial of" in the first sentence of paragraph (d) to read "partial or".

5. In § 503.4, revise paragraph (b)(1), redesignate paragraph (b)(3) as paragraph (b)(3)(i), and add paragraphs (b)(3)(ii) and (b)(3) (iii) to read as follows:

§ 503.4. Time limits.

(b) *Time allowed.* (1) We will decide whether to release records within 20 working days after your request reaches

the appropriate area office that maintains the records you are requesting. When we decide to release records, we will actually provide the records at that time, or as soon as possible after that decision, or let you inspect them as soon as possible thereafter.

(3)(i) * * *
(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.

6. In § 503.5, revise paragraphs (a) introductory text, (a)(4), and (c) to read as follows: § 503.5 Records available for public inspection.

(a) To the extent that they exist, we will make the following records of general interest available for you in paper form or electronically for inspection or copying:

(4) In addition to such records as those described in this paragraph (a), we will make available to any person a copy of all other Agency records, in the format requested, if available, unless we determine that such records should be withheld from disclosure under subsection (b) of the Act and § 503.8 and § 503.9 of this part.

(c) The Agency's FOIA Guide and Index will be available electronically via the Internet, or you may request a copy of it by mail.

7. In § 503.7, revise paragraphs (c)(2) and (e)(3) to read as follows:

§ 503.7 Fees.

(c) * * *
(2) *Computer searching and printing.*

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) *Waiver or reduction of fees.* * * *

(3) You must make your request for a waiver or reduction at the same time you make your request for records. Only the FOIA Officer may make the decision whether to waive or reduce the fees. If we do not completely grant your request for a waiver or reduction, the denial letter will designate the appeal official.

8. In § 503.8, remove the period at the end of paragraph (d)(5)(vi) and add a semicolon in its place, and add paragraph (d)(5)(vii) to read as follows:

§ 503.8 Exemptions.

(d) *Exemption four—Trade secrets and confidential commercial or financial information*

(5) *Exceptions to predisclosure notification.* * * *

(vii) We withhold the information because another statute requires its withholding.

Dated: December 1, 1998.

Les Jin,

General Counsel.

[FR Doc. 98-32511 Filed 12-7-98; 8:45 am]

BILLING CODE 8230-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8611]

RIN 1545-AS40

Conduit Arrangement Regulations; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains a correction to final regulations (TD 8611), which were published in the **Federal Register** on Friday, August 11, 1995 (60 FR 40997) relating to conduit financing arrangements.

DATES: This correcting amendment is effective September 11, 1995.

FOR FURTHER INFORMATION CONTACT: Phyllis Marcus, (202) 622-3870 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of this correction are under

section 7701(l) of the Internal Revenue Code.

Need for Correction

As published, final regulations (TD 8611) contain an error which may prove to be misleading and are in need of clarification.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correcting Amendment to Regulations

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendment:

PART 1—INCOME TAXES

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

Authority: 26 U.S.C. 7805 * * *.

§ 1.881-3 [Corrected]

Par. 2. In § 1.881-3, paragraph (a)(2)(ii)(B)(3) is redesignated as paragraph (a)(3).

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 98-32466 Filed 12-7-98; 8:45 am]

BILLING CODE 4830-01-U

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket No. 98-0713170-8289-03]

RIN 0651-AA96

Revision of Patent Fees for Fiscal Year 1999

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Final rule.

SUMMARY: The Patent and Trademark Office (PTO) is amending the rules of practice in patent cases to reduce patent "statutory" fee amounts to conform to the fee amounts set by law in the United States Patent and Trademark Office Reauthorization Act, Fiscal Year 1999 (Pub. L. 105-358). The PTO is reducing, by a corresponding amount, a few fees that track the statutory fees. The PTO is also reducing a non-statutory fee to reflect current business practice. This final rule supersedes the final rule that was published on July 24, 1998, and corrected on September 3, 1998.

EFFECTIVE DATE: The effective date for the amendments to the fee amounts in

37 CFR 1.16, 1.17(a) through (d), (l), and (m), 1.18, 1.20, and 1.492 is the date of enactment of Pub. L. 105-358 (November 10, 1998). The effective date for the amendments to the fee amounts in 37 CFR 1.17(r) and (s), and 1.21(a)(6)(ii) is December 8, 1998.

FOR FURTHER INFORMATION CONTACT:

Matthew Lee by telephone at (703) 305-8051, by facsimile at (703) 305-8007, or by e-mail at matthew.lee@uspto.gov.

SUPPLEMENTARY INFORMATION: This final rule adjusts PTO fees in accordance with the United States Patent and Trademark Office Reauthorization Act, Fiscal Year 1999 (Pub. L. 105-358).

Background

Patent fees are authorized by 35 U.S.C. 41 and 35 U.S.C. 376. The fees established under 35 U.S.C. 41(a) and (b) are referred to as the "statutory" fees. Subsection 41(f) of title 35, United States Code, provides that fees established under 35 U.S.C. 41(a) and (b) may be adjusted on an annual basis to reflect fluctuations in the Consumer Price Index (CPI). Section 10101 of the Omnibus Budget Reconciliation Act of 1990 (amended by section 8001 of Pub. L. 103-66) provided that there would be a surcharge on all fees established under 35 U.S.C. 41(a) and (b). This surcharge provision was scheduled to expire on October 1, 1998.

Against this background, the PTO published a final rule in the **Federal Register** of July 24, 1998, that revised patent fees for fiscal year 1999 (63 FR 39731). See also 63 FR 46891 (September 3, 1998) (correcting one of the fee amounts specified in the July 24, 1998 final rule). The final rule had an effective date of October 1, 1998. The notice provided that if superseding legislation were passed, the PTO would publish a document in the **Federal Register** to ensure that the fees established under the final rule would not take effect.

Superseding legislation was passed. First, a series of continuing resolution appropriations bills were enacted that maintained PTO fee amounts at fiscal year 1998 rates from October 1, 1998, through October 21, 1998. See H.J. Res. 128, Pub. L. 105-240; H.J. Res. 133, Pub. L. 105-249; H.J. Res. 134, Pub. L. 105-254; H.J. Res. 135, Pub. L. 105-257; H.J. Res. 136, Pub. L. 105-260; and H.J. Res. 137, Pub. L. 105-273. In response, the PTO published a final rule in the **Federal Register** of October 1, 1998, which delayed the effective date of the July 24, 1998 final rule (63 FR 46891).

Second, the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Pub. L. 105-

277) was signed by the President on October 21, 1998. It maintained patent fees at their September 30, 1998 (fiscal year 1998) rates through either enactment of a reauthorization statute, or if no such statute, then June 15, 1999. Thus, it also superseded the PTO's July 24, 1998 final rule.

Finally, the United States Patent and Trademark Office Reauthorization Act, Fiscal Year 1999 (Pub. L. 105-358) was signed by the President on November 10, 1998. Pub. L. 105-358 amends 35 U.S.C. 41(a) and (b) and, thus, statutorily resets 35 U.S.C. 41(a) and (b) fees. That is, the fees established under 35 U.S.C. 41(a) and (b)—which in previous years had been determined using a base amount, a surcharge amount, and cumulative CPI adjustments—are for the balance of fiscal year 1999 set at the amounts specified in Pub. L. 105-358. (In future years, these fees may be adjusted to reflect fluctuations in the CPI.)

This final rule conforms the patent fees set forth in 37 CFR 1.16, 1.17(a) through (d), (l), and (m), 1.18, 1.20, and 1.492 to the fee amounts specified in Pub. L. 105-358. Specifically, it amends the following sections to correspond to the patent fees specified in amended 35 U.S.C. 41(a):

1.16 (paragraphs (a) through (d), and (f) through (j)),

1.17 (paragraphs (a) through (d), (l) and (m)),

1.18 (paragraphs (a) through (c)), and 1.492 (paragraphs (a) through (d)).

Section 1.20 (paragraphs (d) through (g)) is amended to indicate the patent fees specified in amended 35 U.S.C. 41(b).

This final rule also adjusts two fees that track statutory fees, and one non-statutory fee. Section 1.17, paragraphs (r) and (s), is reduced to correspond to the fee provided in 35 U.S.C. 41(a)(1)(A), as amended by Pub. L. 105-358. Section 1.21(a)(6)(ii) is being reduced to reflect current business practice. The adjustment to section 1.21(a)(6)(ii) was announced in the July 24, 1998 final rule.

Pub. L. 105-358 supersedes Pub. L. 105-277. The present notice therefore supersedes any and all prior notices or corrections revising patent fees for fiscal year 1999.

A comparison of the September 30, 1998 fee amounts (i.e., the fiscal year 1998 fee amounts) and the new fee amounts for fiscal year 1999 is included as an Appendix to this final rule.

Procedures for Determining the Fee Owed During the Transition to the New Fee Schedule

With two exceptions, any fee amount that is paid on or after the effective date