

quarter hour (or fraction thereof) per employee for time spent by professional or managerial personnel in excess of the first quarter hour in locating, examining, preparing or copying the documents, and for transportation of personnel and documents necessary to the search.

(b) *Copying of documents.* Ten cents per copy of each page made by photocopy or similar process. Normally, only one copy will be provided. Additional copies will be provided only upon a showing of demonstrated need.

(c) *Certification or authentication of documents.* \$3.00 per certification or authentication.

(d) *Computer searches.* Services of personnel in the nature of a computer search shall be charged for at rates prescribed in paragraph (a) of this section. A charge shall be made for the computer time involved, based upon the prevailing level of costs to the FCA and upon the particular types of computer and associated equipment and the amount of time that such equipment is utilized. A charge shall also be made for any substantial amount of special supplies or materials used to contain, present, or make available the output of computers, based upon prevailing levels of costs to the FCA and upon the type and amount of such supplies or materials that are used.

(e) *Other costs.* When other services and materials not specifically identified in this section are requested and provided, their actual cost to the FCA shall be charged.

(f) *Payment of fees.* A bill will be forwarded to the requesting party upon completion of the production. Payment shall be made by check or money order payable to the FCA.

[50 FR 7331, Feb. 22, 1985. Redesignated at 56 FR 28477, June 21, 1991]

§ 602.288 Responses to demands served on FCA employees.

(a) Any FCA employee who is served with a demand in a legal proceeding shall immediately notify the General Counsel of such service, of the testimony or documents described in the demand and of all relevant facts.

(b) When authorization to testify or to produce documents has not been granted by the Chairman, FCA counsel

shall provide the party issuing the demand or the court with a copy of the regulations contained in this subpart and shall inform the party issuing the demand or the court that the employee upon whom the demand has been made is prohibited from testifying or producing documents without the prior approval of the Chairman.

(c) If the court rules that the demand must be complied with irrespective of instructions from the Chairman not to produce the documents or disclose the information sought, the FCA employee upon whom the demand has been made shall respectfully decline to comply with the demand.

(d) A determination under this subpart to comply or not to comply with any demand shall not constitute an assertion or waiver of privilege, lack of relevance, technical deficiencies or any other ground for noncompliance. The FCA reserves the right to oppose any demand on any legal ground independent of its determination under this subpart.

[50 FR 7331, Feb. 22, 1985, as amended at 51 FR 41940, Nov. 20, 1986. Redesignated at 56 FR 28477, June 21, 1991]

§ 602.289 Responses to demands served on non-FCA employees or entities.

(a) FCA reports of examinations or such other reports generated or adopted by the FCA, or any documents related thereto are the property of the FCA and are not to be disclosed to any person without the FCA's consent.

(b) If any person who has possession of an FCA report of examination or such other report generated or adopted by the FCA, or any documents related thereto is served with a demand in a legal proceeding directing that person to produce such FCA documents or to testify with respect thereto, such person shall immediately notify the FCA General Counsel of such service, of the testimony and described documents in the demand, and of all relevant facts. Such person shall also object to the production of such documents or information contained therein on the basis that the documents are the property of the FCA and cannot be released without FCA's consent and that their production must be sought from the FCA following the procedures set forth in