

understanding where nothing new would be added to the public's understanding.

(iii) The contribution to an understanding of the subject by the public likely to result from disclosure: Whether disclosure of the requested records will contribute to "public understanding." The disclosure must contribute to a reasonably broad audience of persons interested in the subject, as opposed to the personal interest of the requester. A requester's expertise in the subject area and ability and intention to effectively convey information to the public shall be considered. It shall be presumed that a representative of the news media will satisfy this consideration.

(iv) The significance of the contribution to public understanding: Whether the disclosure is likely to contribute "significantly" to public understanding of Corporation or Federal government operations or activities. The public's understanding of the subject in question, as compared to the level of public understanding existing prior to the disclosure, must be enhanced by the disclosure to a significant extent.

(2) In order to determine whether disclosure of the information is not primarily in the commercial interest of the requester, the Corporation will consider the following two factors:

(i) The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure. LSC shall consider any commercial interest of the requester (with reference to the definition of "commercial use" in this Part) or of any person on whose behalf the requester may be acting, that would be furthered by the requested disclosure.

(ii) The primary interest in disclosure: Whether the magnitude of the identified commercial interest is sufficiently large, in comparison with the public interest in disclosure, that disclosure is "primarily" in the commercial interest of the requester. A fee waiver or reduction is justified where the public interest is greater in magnitude than that of any identified commercial interest in disclosure. LSC ordinarily shall presume that where a news media requester has satisfied the public interest standard, the public interest will be the interest primarily served by disclosure to that requester. Disclosure to data brokers or others who merely compile and market government information for direct economic return shall not be presumed primarily to serve a public interest.

(3) Where LSC has determined that a fee waiver or reduction request is

justified for only some of the records to be released, LSC shall grant the fee waiver or reduction for those records.

(4) Requests for fee waivers and reductions shall be made in writing and must address the factors listed in this paragraph as they apply to the request.

* * * * *

(j) When a requester has previously failed to pay a properly charged FOIA fee within 30 days of the date of billing, the Corporation may require the requester to pay the full amount due, plus any applicable interest, and to make an advance payment of the full amount of any anticipated fee before the Corporation begins to process a new request or continues to process a pending request (including appeals) from that requester.

* * * * *

7. Section 1602.14 is added to read as follows:

§ 1602.14 Submitter's rights process.

(a) When the Corporation receives a FOIA request seeking the release of a submitter's grant application(s), or portions thereof, the Corporation shall provide prompt written notice of the request to the submitter in order to afford the submitter with an opportunity to object to the disclosure of the requested grant application(s) (or any portion thereof). The notice shall reasonably describe the grant application(s), or portions thereof, requested and inform the submitter of the process required by paragraph (b) of this section.

(b) If a submitter who has received notice of a request for the submitter's grant application(s) desires to object to the disclosure of the grant application(s) (or any portion thereof), the submitter must identify the information for which disclosure is objected and provide LSC with a written detailed statement to that effect. The statement must be submitted to the FOIA Officer in the Office of Legal Affairs and must specify the grounds for withholding the information under FOIA or this Part. In particular, the submitter must demonstrate why the information is commercial or financial information that is privileged or confidential. The submitter's statement must be provided to LSC within seven business days of the date of the notice from the Corporation. If the submitter fails to respond to the notice from LSC within that time, LSC will deem the submitter to have no objection to the disclosure of the information.

(c) Upon receipt of written objection to disclosure by a submitter, LSC shall consider the submitter's objections and specific grounds for withholding in

deciding whether to release the disputed information. Whenever LSC decides to disclose information over the objection of the submitter, LSC shall give the submitter written notice which shall include:

(1) A description of the information to be released and a notice that LSC intends to release the information;

(2) A statement of the reason(s) why the submitter's request for withholding is being rejected; and

(3) Notice that the submitter shall have 5 business days from the date of the notice of proposed release to appeal that decision to the LSC President, whose decision shall be final.

(d) The requirements of this section shall not apply if:

(1) LSC determines upon initial review of the requested grant application(s), or portions thereof, the requested information should not be disclosed;

(2) The information has been previously published or officially made available to the public; or

(3) Disclosure of the information is required by statute (other than FOIA) or LSC regulations.

(e) Whenever a requester files a lawsuit seeking to compel disclosure of a submitter's information, LSC shall promptly notify the submitter.

(f) Whenever LSC provides a submitter with notice and opportunity to oppose disclosure under this section, LSC shall notify the requester that the submitter's rights process under this section has been triggered. Whenever a submitter files a lawsuit seeking to prevent the disclosure of the submitter's information, LSC shall notify the requester.

Victor M. Fortunato,

General Counsel and Vice President for Legal Affairs.

[FR Doc. 03-3645 Filed 2-13-03; 8:45 am]

BILLING CODE 7050-01-P

DEPARTMENT OF DEFENSE

48 CFR Parts 201, 202, et al., and Appendix G to Chapter 2

Defense Federal Acquisition Regulation Supplement; Technical Amendments

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is making technical amendments to the Defense Federal Acquisition Regulation Supplement to update organizational names and addresses and cross references.

EFFECTIVE DATE: February 14, 2003.

FOR FURTHER INFORMATION CONTACT: Ms. Michele Peterson, Defense Acquisition Regulations Council, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0311; facsimile (703) 602-0350.

List of Subjects in 48 CFR Parts 201, 202, 204, 206, 209, 212, 214, 217, 219, 230, 231, 232, 236, 239, 242, 249, 250, 252, and 253

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR parts 201, 202, 204, 206, 209, 212, 214, 217, 219, 230, 231, 232, 236, 239, 242, 249, 250, 252, 253, and Appendix G to chapter 2 are amended as follows:

1. The authority citation for 48 CFR parts 201, 202, 204, 206, 209, 212, 214, 217, 219, 230, 231, 232, 236, 239, 242, 249, 250, 252, 253, and Appendix G to subchapter I continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR chapter 1.

PART 201—FEDERAL ACQUISITION REGULATIONS SYSTEM

201.201-1 [Amended]

2. Section 201.201-1 is amended in paragraph (d)(i)V., in the second sentence, by adding, after “Procurement”, the phrase “and Acquisition Policy”.

201.304 [Amended]

3. Section 201.304 is amended as follows:

a. In paragraph (1)(ii), by removing “(USD(AT&L)DPPA)” and adding in its place “and Acquisition Policy (OUSD(AT&L)DPAP)”;

b. In paragraphs (4) and (5), by removing “USD(AT&L)DP” and adding in its place “OUSD(AT&L)DPAP”.

201.402 [Amended]

4. Section 201.402 is amended as follows:

a. In paragraph (1) introductory text, by adding, after “Procurement”, the phrase “and Acquisition Policy”, and by removing “(USD(AT&L)DP)” and adding in its place “(OUSD(AT&L)DPAP)”;

b. In paragraph (2) introductory text, in the second sentence, by removing “USD(AT&L)DP” and adding in its place “OUSD(AT&L)DPAP”.

201.404 [Amended]

5. Section 201.404 is amended in paragraph (b)(i) by removing

“USD(AT&L)DP” and adding in its place “OUSD(AT&L)DPAP”.

PART 202—DEFINITIONS OF WORDS AND TERMS

202.101 [Amended]

6. Section 202.101 is amended in the definition of “Contracting activity” as follows:

a. Under the heading “ARMY”, by removing “Defense Supply Service-Washington” and adding in its place “Defense Contracting Command-Washington”;

b. Under the heading “NAVY”, in the first entry, by removing “and Business”; and

c. By removing the heading “BALLISTIC MISSILE DEFENSE ORGANIZATION” and the entry “Headquarters, Ballistic Missile Defense Organization” and adding in their place the heading “MISSILE DEFENSE AGENCY” and the entry “Headquarters, Missile Defense Agency”.

7. Section 202.101 is amended in the definition of “Departments and agencies”, in the last sentence, by removing “Ballistic Missile Defense Organization” and adding in its place “Missile Defense Agency”.

8. Section 202.101 is amended in the definition of “Head of the agency”, in the second sentence, by adding, after “Procurement”, the phrase “and Acquisition Policy”.

PART 204—ADMINISTRATIVE MATTERS

204.7003 [Amended]

9. Section 204.7003 is amended in paragraph (a)(1)(i)(J) by removing “Ballistic Missile Defense Organization” and adding in its place “Missile Defense Agency”.

PART 206—COMPETITION REQUIREMENTS

206.302-5 [Amended]

10. Section 206.302-5 is amended in paragraph (c)(i)(B), in the last sentence, by adding, after “Procurement”, the phrase “and Acquisition Policy”.

PART 209—CONTRACTOR QUALIFICATIONS

209.104-1 [Amended]

11. Section 209.104-1 is amended in paragraph (g)(ii)(C), in the third sentence, by adding, after “Procurement”, the phrase “and Acquisition Policy”.

209.104-70 [Amended]

12. Section 209.104-70 is amended in paragraph (a), in the second sentence,

by removing “Defense Procurement, ATTN: OUSD(AT&L)DP/FC” and adding in its place “Defense Procurement and Acquisition Policy, ATTN: OUSD(AT&L)DPAP(PAIC)”.

209.403 [Amended]

13. Section 209.403 is amended in the definition of “Debarring and suspending official”, in paragraph (1), by removing the entry “Ballistic Missile Defense Organization—The General Counsel” and adding in its place “Missile Defense Agency—The General Counsel”.

209.406-2 [Amended]

14. Section 209.406-2 is amended in paragraph (a)(ii) by adding, after “Procurement”, the phrase “and Acquisition Policy,”.

PART 212—ACQUISITION OF COMMERCIAL ITEMS

212.301 [Amended]

15. Section 212.301 is amended by removing paragraph (f)(i)(B) and redesignating paragraphs (f)(i)(C) and (D) as paragraphs (f)(i)(B) and (C), respectively.

PART 214—SEALED BIDDING

16. Section 214.407-3 is amended by revising paragraph (e)(vii) to read as follows:

214.407-3 Other mistakes disclosed before award.

(e) * * *
(vii) Missile Defense Agency: General Counsel, MDA.

* * * * *

PART 217—SPECIAL CONTRACTING METHODS

217.170 [Amended]

17. Section 217.170 is amended in paragraph (d)(4), in the second sentence, as follows:

a. By adding, after “Procurement”, the phrase “and Acquisition Policy”; and

b. By removing “(OUSD(AT&L)DP)” and adding in its place “(OUSD(AT&L)DPAP)”.

217.173 [Amended]

18. Section 217.173 is amended in paragraph (b)(5)(iv) by removing “OUSD(AT&L)DP” and adding in its place “OUSD(AT&L)DPAP”.

PART 219—SMALL BUSINESS PROGRAMS

219.1007 [Amended]

19. Section 219.1007 is amended in paragraph (b)(1), in the first and second sentences, by adding, after

“Procurement”, the phrase “and Acquisition Policy”.

PART 230—COST ACCOUNTING STANDARDS ADMINISTRATION

230.201-5 [Amended]

20. Section 230.201-5 is amended in paragraph (a)(1)(A)(2) twice, and in paragraphs (a)(1)(B), (e)(i), and (e)(ii), by adding, after “Procurement”, the phrase “and Acquisition Policy”.

PART 231—CONTRACT COST PRINCIPLES AND PROCEDURES

231.205-70 [Amended]

21. Section 231.205-70 is amended as follows:

- a. In paragraph (d)(9) in the first sentence by adding, after “Procurement”, the phrase “and Acquisition Policy”, and by removing “OUSD(AT&L)DP/CPF” and adding in its place “OUSD(AT&L)DPAP(P)”; and
- b. In paragraph (d)(10), by adding, after “Procurement”, the phrase “and Acquisition Policy”.

PART 232—CONTRACT FINANCING

232.006-5 [Amended]

22. Section 232.006-5 is amended by adding, after “Procurement”, the phrase “and Acquisition Policy”.

232.070 [Amended]

23. Section 232.070 is amended as follows:

- a. In paragraph (a) in the first sentence by adding, after “Procurement”, the phrase “and Acquisition Policy”, and by removing “(OUSD(AT&L)DP)” and adding in its place “(OUSD(AT&L)DPAP)”; and
- b. In paragraph (a) in the last sentence, and in paragraph (b) in the second sentence, by removing “OUSD(AT&L)DP” and adding in its place “OUSD(AT&L)DPAP”.

232.071 [Amended]

24. Section 232.071 is amended in paragraphs (a)(1), (b)(1), and (b)(3) by removing “OUSD(AT&L)DP” and adding in its place “OUSD(AT&L)DPAP”.

25. Section 232.501-2 is amended in paragraph (a) as follows:

- a. By revising the first sentence; and
- b. In the second sentence, by removing “OUSD(AT&L)DP” and adding in its place “OUSD(AT&L)DPAP”. The revised text reads as follows:

232.501-2 Unusual progress payments.

(a) Unusual progress payment arrangements require the advance

approval of the Director of Defense Procurement and Acquisition Policy, Office of the Under Secretary of Defense (Acquisition, Technology, and Logistics) (OUSD(AT&L)DPAP). * * *

232.617 [Amended]

26. Section 232.617 is amended in paragraph (a) by adding, after “Procurement”, the phrase “and Acquisition Policy”.

PART 236—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

236.570 [Amended]

27. Section 236.570 is amended in paragraph (b)(5) by removing “236.303-70” and adding in its place “236.213-70”.

PART 239—ACQUISITION OF INFORMATION TECHNOLOGY

28. Section 239.7302 is amended as follows:

- a. In paragraph (b)(2)(i) in the third sentence by removing “Attn: D03D” and adding in its place “Attn: DSPD”; and
- b. By revising paragraph (b)(2)(ii) to read as follows:

239.7302 Approvals and screening.

* * * * *

(b) * * *

(2) * * *

(ii) Uses the Defense Information Technology Management System (DITMS) to screen on-line. System access may be requested from the Defense Information Systems Agency, Chief Information Officer, Defense Automation Resources Management Program Division. Customers may apply for a DITMS Account Number by contacting the DITMS Help Desk at (703) 681-2400; DSN 761-2400; FAX (703) 681-2875; or via the Internet at <https://ditms.disa.mil>.

* * * * *

PART 242—CONTRACT ADMINISTRATION AND AUDIT SERVICES

242.602 [Amended]

29. Section 242.602 is amended in paragraph (c)(2) by adding, after “Procurement”, the phrase “and Acquisition Policy”.

242.771-3 [Amended]

30. Section 242.771-3 is amended in paragraph (c) by adding, after “Procurement”, the phrase “and Acquisition Policy”.

242.1203 [Amended]

31. Section 242.1203 is amended in paragraph (b)(2)(A), in the Navy entry, by removing “and Business”.

PART 249—TERMINATION OF CONTRACTS

32. Section 249.7000 is amended by revising paragraph (a)(1) to read as follows:

249.7000 Terminated contracts with Canadian Commercial Corporation.

(a) * * *

(1) The Letter of Agreement (LOA) between the Department of Defence Production (Canada) and the U.S. DoD, “Canadian Agreement” (for a copy of the LOA or for questions on its currency, contact the Office of the Director of Defense Procurement and Acquisition Policy (Program Acquisition and International Contracting), (703) 697-9351, DSN 227-9351);

* * * * *

33. Section 249.7001 is amended by revising paragraph (b)(11) to read as follows:

249.7001 Congressional notification on significant contract terminations.

* * * * *

(b) * * *

(11) Missile Defense Agency—Director of Contracts (MDA-DCT)

* * * * *

PART 250—EXTRAORDINARY CONTRACTUAL ACTIONS

34. Section 250.303 is amended as follows:

- a. In paragraph (3), by removing “and Business”; and
- b. By revising paragraph (12) to read as follows:

250.303 Contractor requests.

* * * * *

(12) Missile Defense Agency—Director, MDA.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

35. Section 252.211-7005 is amended by revising the clause date and the second sentence of paragraph (b) to read as follows:

252.211-7005 Substitutions for Military or Federal Specifications and Standards.

* * * * *

Substitutions for Military or Federal Specifications and Standards (Feb 2003)

* * * * *

(b) * * * A listing of SPI processes accepted at specific facilities is available via

the Internet in Excel format at <http://www.dcmamail.com/onebook/7.0/7.2/7.2.6/reports/modified.xls>.

PART 253—FORMS

253.204–70 [Amended]

36. Section 253.204–70 is amended as follows:

a. In paragraph (b)(12)(iii)(B), by removing “Ballistic Missile Defense Organization” and adding in its place “Missile Defense Agency”; and

b. In paragraph (c)(4)(iii)(B)(5), by adding, after “Procurement”, the phrase “and Acquisition Policy”.

253.204–71 [Amended]

37. Section 253.204–71 is amended in paragraph (e)(2)(i)(A)(4), by adding, after “Procurement”, the phrase “and Acquisition Policy”.

Appendix G—Activity Address Numbers

G–102 [Amended]

38. Appendix G to Chapter 2 is amended in Part 1, Section G–102, paragraph (b)(2), by removing “OUSD(AT&L)DP(DAR)” and adding in its place “OUSD(AT&L)DPAP(DAR)”.

39. Appendix G to Chapter 2 is amended in Part 2 by revising entries “DABQ01”, “DABQ03”, and “DABQ06”, and by adding a new entry “DABR13” to read as follows:

Appendix G to Chapter 2—Activity Address Numbers

* * * * *

PART 2—ARMY ACTIVITY ADDRESS NUMBERS

* * * * *

DABQ01, 1K U.S. Army Contracting Element, Pacific, Office of the Director/PARC, ATTN: SFC A-PR, Building T-115, Fort Shafter, HI 96858-5430

DABQ03, 8U ACA, Fort Richardson, Regional Contracting Office, Alaska, ATTN: SFC A-PRA, PO Box 5-525, Fort Richardson, AK 99505-0525

DABQ06, CJ ACA, Fort Shafter, Regional Contracting Office, Hawaii, ATTN: SFC A-PRH, Building 520, Pierce Street, Fort Shafter, HI 96858-5025

* * * * *

DABR13 Joint Interagency Task Force East, Contracting Office, ATTN: J4, PO Box 9051, NAF Key West, FL 33040-9051

* * * * *

40. Appendix G to Chapter 2 is amended in Part 8 by revising entry “NMA201” to read as follows:

PART 8—NATIONAL IMAGERY AND MAPPING AGENCY ACTIVITY ADDRESS NUMBERS

* * * * *

NMA201, Y2 National Imagery and Mapping Agency, Contracting Support for Acquisition Directorate, ATTN: ACA/P-65, 12310 Sunrise Valley Drive, Reston, VA 20191-3449 (ZM21)

* * * * *

[FR Doc. 03-3572 Filed 2-13-03; 8:45 am]

BILLING CODE 5001-08-P

DEPARTMENT OF DEFENSE

48 CFR Part 225

[DFARS Case 2002–D031]

Defense Federal Acquisition Regulation Supplement; Emergency Acquisitions in Regions Subject to Economic Sanctions

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to authorize DoD personnel to make emergency acquisitions in direct support of U.S. or allied forces deployed in military contingency, humanitarian, or peacekeeping operations in a country or region subject to economic sanctions.

EFFECTIVE DATE: February 14, 2003.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, Defense Acquisition Regulations Council, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0328; facsimile (703) 602-0350. Please cite DFARS Case 2002–D031.

SUPPLEMENTARY INFORMATION:

A. Background

Section 25.701 of the Federal Acquisition Regulation prohibits the acquisition of supplies or services from sources in countries or regions subject to economic sanctions. On October 1, 2002, the Department of the Treasury, Office of Foreign Assets Control, issued DoD a license authorizing emergency acquisitions in direct support of U.S. or allied forces deployed in military contingency, humanitarian, or peacekeeping operations in a country or region subject to economic sanctions. This DFARS rule implements that license.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This rule will not have a significant cost or administrative impact on contractors or offerors, or a significant effect beyond the internal operating

procedures of DoD. Therefore, publication for public comment is not required. However, DoD will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 2002–D031.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 225

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR part 225 is amended as follows:

1. The authority citation for 48 CFR part 225 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR chapter 1.

PART 225—FOREIGN ACQUISITION

2. Section 225.701–70 is added to read as follows:

225.701–70 Exception.

DoD personnel are authorized to make emergency acquisitions in direct support of U.S. or allied forces deployed in military contingency, humanitarian, or peacekeeping operations in a country or region subject to economic sanctions administered by the Department of the Treasury, Office of Foreign Assets Control.

[FR Doc. 03-3573 Filed 2-13-03; 8:45 am]

BILLING CODE 5001-08-P

DEPARTMENT OF DEFENSE

48 CFR Parts 225 and 252

[DFARS Case 2002–D034]

Defense Federal Acquisition Regulation Supplement; Fish, Shellfish, and Seafood Products

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comments.

SUMMARY: DOD has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 8136 of the Defense Appropriations Act for Fiscal Year 2003. Section 8136 requires the acquisition of domestic fish,