

separately and should cite DFARS Case 2002–D034.

### 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 Parts 225 and 252

Government procurement.

**Michele P. Peterson,**

*Executive Editor, Defense Acquisition Regulations Council.*

Therefore, DoD proposes to amend 48 CFR Parts 225 and 252 as follows:

1. The authority citation for 48 CFR Parts 225 and 252 continues to read as follows:

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

### PART 225—FOREIGN ACQUISITION

2. Section 225.7002–2 is amended by revising paragraph (j) to read as follows:

#### 225.7002–2 Exceptions.

\* \* \* \* \*

(j) Acquisitions of foods manufactured or processed in the United States, regardless of where the foods (and any component if applicable) were grown or produced. However, in accordance with Section 8136 of the DoD Appropriations Act for Fiscal Year 2003 (Pub. L. 107–248), this exception does not apply to fish, shellfish, or seafood manufactured or processed in the United States or fish, shellfish, or seafood contained in foods manufactured or processed in the United States.

\* \* \* \* \*

### PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

#### 252.212–7001 [Amended]

3. Section 252.212–7001 is amended as follows:

a. By revising the clause date to read “(XXX 2003)”; and

b. In paragraph (b), in entry “252.225–7012”, by removing “(FEB 2003)” and adding in its place “(XXX 2003)”.

4. Section 252.225–7012 is amended as follows:

a. By revising the clause date to read “(XXX 2003)”; and

b. By adding paragraphs (a)(3) and (a)(4);

c. By revising paragraph (b) introductory text and paragraph (c)(3); and

d. By adding paragraph (d) to read as follows:

#### 252.225–7012 Preference for Certain Domestic Commodities.

\* \* \* \* \*

(a) \* \* \*

(3) *United States* means the 50 States, the District of Columbia, and outlying areas.

(4) *U.S.-flag vessel* means a vessel of the United States or belonging to the United States, including any vessel registered or having national status under the laws of the United States.

(b) The Contractor shall deliver under this contract only such of the following items, either as end products or components, that have been grown, reprocessed, reused, or produced in the United States:

\* \* \* \* \*

(c) \* \* \*

(3) To foods, other than fish, shellfish, or seafood, that have been manufactured or processed in the United States, regardless of where the foods (and any component if applicable) were grown or produced. Fish, shellfish, or seafood manufactured or processed in the United States and fish, shellfish, or seafood contained in foods manufactured or processed in the United States shall be provided in accordance with paragraph (d) of this clause;

\* \* \* \* \*

(d)(1) Fish, shellfish, and seafood delivered under this contract, or contained in foods delivered under this contract—

(i) Shall be taken from the sea by U.S.-flag vessels; or

(ii) If not taken from the sea, shall be obtained from fishing within the United States; and

(2) Any processing or manufacturing of the fish, shellfish, or seafood shall be performed on a U.S.-flag vessel or in the United States.

[FR Doc. 03–23342 Filed 9–12–03; 8:45 am]

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## DEPARTMENT OF DEFENSE

### 48 CFR Part 246

[DFARS Case 2002–D032]

### Defense Federal Acquisition Regulation Supplement; Government Source Inspection Requirements

**AGENCY:** Department of Defense (DoD).

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** DoD is proposing to amend the Defense Federal Acquisition

Regulation Supplement (DFARS) to eliminate Government source inspection requirements for contracts or delivery orders valued below \$250,000, unless certain conditions exist. This change will permit DoD contract administration offices to devote more resources to high-risk contracts.

**DATES:** DoD will consider all comments received by November 14, 2003.

**ADDRESSES:** Respondents may submit comments directly on the World Wide Web at <http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm>. As an alternative, respondents may e-mail comments to: [dfars@osd.mil](mailto:dfars@osd.mil). Please cite DFARS Case 2002–D032 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above methods may submit comments to: Defense Acquisition Regulations Council, Attn: Mr. Steven Cohen, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062; facsimile (703) 602–0350. Please cite DFARS Case 2002–D032.

At the end of the comment period, interested parties may view public comments on the World Wide Web at <http://emissary.acq.osd.mil/dar/dfars.nsf>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Steven Cohen, (703) 602–0293.

### SUPPLEMENTARY INFORMATION:

#### A. Background

This proposed rule adds policy at DFARS 246.402 and 246.404 to eliminate requirements for Government quality assurance at source on contracts or delivery orders valued below \$250,000, unless (1) mandated by DoD regulation, (2) required by a memorandum of agreement between the acquiring department or agency and the contract administration agency, or (3) the contracting officer determines that certain conditions exist. The objective is to focus limited DoD contract management resources on high-risk areas, while providing flexibility for exceptions where needed.

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

#### B. Regulatory Flexibility Act

DoD does not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the DFARS changes in this rule primarily affect the allocation of Government resources to contract quality assurance functions. Therefore,

DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2002–D032.

### 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 246

Government procurement.

**Michele P. Peterson,**  
*Executive Editor, Defense Acquisition Regulations Council.*

Therefore, DoD proposes to amend 48 CFR Part 246 as follows:

1. The authority citation for 48 CFR Part 246 continues to read as follows:

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

#### PART 246—QUALITY ASSURANCE

2. Section 246.402 is added to read as follows:

##### **246.402 Government contract quality assurance at source.**

Do not require Government contract quality assurance at source for contracts or delivery orders valued below \$250,000, unless—

- (1) Mandated by DoD regulation;
- (2) Required by a memorandum of agreement between the acquiring department or agency and the contract administration agency; or
- (3) The contracting officer determines that—
  - (i) Contract technical requirements are significant (*e.g.*, the technical requirements include drawings, test procedures, or performance requirements);
  - (ii) Critical product features/ characteristics or specific acquisition concerns have been identified; and
  - (iii) The contract is being awarded to—
    - (A) A manufacturer or producer; or
    - (B) A non-manufacturer or non-producer and specific Government verifications have been identified as necessary and feasible to perform.

3. Section 246.404 is added to read as follows:

##### **246.404 Government contract quality assurance for acquisitions at or below the simplified acquisition threshold.**

Do not require Government contract quality assurance at source for contracts or delivery orders valued at or below the simplified acquisition threshold unless the criteria at 246.402 have been met.

[FR Doc. 03–23341 Filed 9–12–03; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 223 and 224

[Docket No.020523130–3076–02;I.D. 030303C]

RIN 0648–AP94

#### **Endangered and Threatened Wildlife and Plants; 12–Month Finding on a Petition to List the Northern and Florida Panhandle Loggerhead Sea Turtle (*Caretta caretta*) Subpopulations as Endangered**

**AGENCY:** Fish and Wildlife Service (FWS), Interior, and National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of petition finding.

**SUMMARY:** We, the FWS and NMFS (collectively “the Services”) announce a 12–month finding on a petition to reclassify the Northern and Florida Panhandle subpopulations of the loggerhead sea turtle (*Caretta caretta*), a species now listed as threatened throughout its range, as distinct population segments (DPSs) with endangered status and to designate critical habitat under the Endangered Species Act of 1973 (ESA), as amended. After review of all available scientific and commercial information, we find that the Northern and Florida Panhandle loggerhead subpopulations do not meet the criteria for classification as DPSs, and therefore the petitioned action is not warranted.

**DATES:** Effective September 9, 2003.

**ADDRESSES:** The petition finding, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the Protected Resources

Division, NMFS Southeast Region, 9721 Executive Center Drive North, St. Petersburg, FL 33702. Copies of the 1991 Recovery Plan for the U.S. Atlantic population of the loggerhead turtle are available upon request at the above address, and the plan also is available on the NMFS website at [http://www.nmfs.noaa.gov/prot\\_res/PR3/recovery.html](http://www.nmfs.noaa.gov/prot_res/PR3/recovery.html).

#### **FOR FURTHER INFORMATION CONTACT:**

David Bernhart, NMFS Southeast Region (ph. 727–570–5312, fax 727–570–5517, e-mail [David.Bernhart@noaa.gov](mailto:David.Bernhart@noaa.gov)), or Barbara Schroeder, NMFS Office of Protected Resources (ph. 301–713–1401, fax 301–713–0376, e-mail [barbara.schroeder@noaa.gov](mailto:barbara.schroeder@noaa.gov)).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Pursuant to section 4(b)(3)(B) of the ESA (16 U.S.C. 1531 *et seq.*), for any petition that presents substantial scientific and commercial information to revise the List of Endangered or Threatened Wildlife and Plants, we are required to make a finding within 12 months of the date of receipt of the petition on whether the petitioned action is (a) not warranted, (b) warranted, or (c) warranted but precluded from immediate proposal by other pending proposals of higher priority. Such 12–month findings are to be published promptly in the **Federal Register**.

On January 14, 2002, we received a petition from the Earthjustice Legal Defense Fund, on behalf of the Turtle Island Restoration Network and the Center for Biological Diversity, requesting that the Northern (northeast Florida through North Carolina) and Florida Panhandle subpopulations of the loggerhead sea turtle, a species currently listed as threatened throughout its worldwide range, be reclassified as DPSs and their status be changed to “endangered”. They also requested that critical habitat for the Northern and Florida Panhandle subpopulations be designated. In addition, the petition requested that the reclassification of these subpopulations to endangered be completed by an emergency rule.

On June 4, 2002 (67 FR 38459), NMFS announced a finding that the petition presented substantial scientific and commercial information indicating that the petitioned reclassification may be warranted. NMFS, therefore, solicited additional information and comments from the public to assist NMFS in its review of whether the Northern and Florida Panhandle loggerhead