

approval by the Attorney General is required), or if consultation with the Department of Justice is desired or required pursuant to §14.6 of the regulations, the Assistant General Counsel for Finance and Litigation will prepare and compile the material required by the Department of Justice under §14.7 of the Regulations.

(c) Denial of a claim shall be communicated as provided by §14.9 of the regulations (28 CFR Part 14).

(d) Designees hereunder are responsible for the control over and expeditious handling of claims, bearing in mind the applicable statutory time limitations for adjudications of claims.

[32 FR 3769, Mar. 7, 1967, as amended at 48 FR 31636, July 11, 1983; 63 FR 29945, June 2, 1998]

§2.6 Payment of claims.

When an award is made, the file on the case shall be transmitted to the appropriate fiscal office for payment by the Department or for transmittal for payment as prescribed by §14.10 of the Regulations (28 CFR Part 14). Prior to payment appropriate releases shall be obtained, as provided in said section.

[32 FR 3769, Mar. 7, 1967]

§2.7 Supplementary regulations.

(a) The Assistant General Counsel for Finance and Litigation may from time to time issue such supplementary regulations or instructions as he/she deems appropriate to carry out the purpose of this part.

(b) Any designee mentioned in paragraph (a) of §2.3 may issue regulations or instructions covering his/her area of responsibility hereunder which are consistent with this part and with those issued under paragraph (a) of this section, such regulations and instructions to be approved by the Assistant General Counsel for Finance and Litigation.

[32 FR 3769, Mar. 7, 1967, as amended at 48 FR 31636, July 11, 1983. Redesignated and amended at 63 FR 29945, June 2, 1998]

PART 3 [RESERVED]

PART 4—PUBLIC INFORMATION

Sec.

4.1 Scope and purpose.

- 4.2 Policies.
- 4.3 Definitions.
- 4.4 Availability of materials for inspection and copying; indexes.
- 4.5 Requests for records.
- 4.6 Initial determinations of availability of records.
- 4.7 Predisclosure notification procedures for confidential commercial information.
- 4.8 Appeals from initial determinations or untimely delays.
- 4.9 Fees.

APPENDIX A TO PART 4—DEPARTMENT ADMINISTRATIVE ORDER 205-12—PUBLIC INFORMATION

APPENDIX B TO PART 4—FREEDOM OF INFORMATION PUBLIC FACILITIES AND ADDRESSES FOR REQUESTS FOR RECORDS

APPENDIX C TO PART 4—OFFICIALS AUTHORIZED TO MAKE INITIAL DENIALS OF REQUESTS FOR RECORDS

AUTHORITY: 5 U.S.C. 301, 5 U.S.C. 552, 5 U.S.C. 553, Reorganization Plan No. 5 of 1950; 31 U.S.C. 3717.

SOURCE: 53 FR 6972, Mar. 4, 1988, unless otherwise noted.

§4.1 Scope and purpose.

(a) This part sets forth the rules of the Department of Commerce whereby the Department and its organizational units are to make publicly available the materials and indexes specified in 5 U.S.C. 552(a)(2) and the records requested under 5 U.S.C. 552(a)(3).

(b) These rules conform to requirements of the Freedom of Information Act, 5 U.S.C. 552; as amended, and supplement Department Administrative Order 205-12, which contains policies, delegations of authority, and other criteria implementing 5 U.S.C. 552. DAO 205-12 is attached as Appendix A to this part.

(c) Certain units of the Department other than those identified in §4.4(d) have, pursuant to delegated authority and for appropriate reasons, established their own facilities for the public inspection and copying of records. The units have provided for separate locations to which requests for records are to be made. These facilities and locations are identified in Appendix B to this part. The units may publish in the FEDERAL REGISTER supplementary rules in addition to but not inconsistent with this part, DAO 205-12, and the rules and regulations contained in their respective chapters of the Code of Federal Regulations or otherwise in

§ 4.2

the FEDERAL REGISTER. These supplementary rules shall be maintained in the central public reference facility identified in §4.4(c), where information about them may be obtained.

§ 4.2 Policies.

(a) Department Administrative Order 205-12 contains the basic policies and other criteria to be considered in issuing and administering these rules.

(b) Requests for records made under 5 U.S.C. 552(a)(3) apply only to existing records. The Department is not required, in response to a request, to create records by combining or compiling information contained in existing records, to program or reprogram computers, or otherwise to prepare new records. Departmental officials may, upon request, provide or create new information in record form pursuant to user charge statutes, such as 15 U.S.C. 1525-27, or in accord with authority otherwise provided by law.

§ 4.3 Definitions.

(a) All terms used in this part which are defined in 5 U.S.C. 551 shall have the same meaning herein.

(b) As used in this part, *Act* means the "Freedom of Information Act," as amended, 5 U.S.C. 552.

(c) The terms *Office of the Secretary* and *operating unit*, as explained in Department Organization Order 1-1, "Mission and Organization of the Department of Commerce" (35 FR 19704, December 27, 1970), are defined as follows:

(1) The "Office of the Secretary" is the general management arm of the Department and provides the principal support to the Secretary in formulating policy and in providing advice to the President. It provides program leadership for the Department's functions and exercises general supervision over the operating units. It also directly carries out program functions as may be assigned by the Secretary from time to time, and provides, as determined to be more economical or efficient, administrative and other support services for designated operating units.

(2) An "operating unit" is an organizational entity outside the Office of the Secretary charged with carrying out specified substantive functions (i.e. programs) of the Department. The op-

15 CFR Subtitle A (1-1-00 Edition)

erating units constitute the components of the Department through which most of its substantive functions are carried out.

(d) The term *unit* as used in this part means

(1) An operating unit of the Department, and

(2) Each Secretarial officer and the persons and the Departmental officers reporting to a Secretarial officer.

[53 FR 6972, Mar. 4, 1988; 53 FR 16211, May 5, 1988]

§ 4.4 Availability of materials for inspection and copying; indexes.

(a) The Assistant Secretary for Administration has established and maintains a central public reference facility available to units of the Department, at which place the following materials of those units utilizing the facility shall be made available for public inspection and copying:

(1) Final opinions and orders, including concurring and dissenting opinions, made in the adjudication of cases;

(2) Those statements of policy and interpretations which have been adopted by the participating organizations and are not published in the FEDERAL REGISTER;

(3) Administrative staff manuals and instructions to staff that affect a member of the public;

(4) Current indexes providing identifying information for the public as to any matter which was issued, adopted, or promulgated after July 4, 1967, and is required by 5 U.S.C. 552(a)(2) to be made available or published;

(5) Records of the final votes of each member in every proceeding of an agency comprised of more than one member.

(6) Rules and decisions denying requests for records which otherwise implement or relate to the Act; and

(7) Materials published in the FEDERAL REGISTER pursuant to 5 U.S.C. 552(a)(1) and such other materials which each unit may consider desirable and practical to make available for the convenience of the public.

(b) The Secretary of Commerce has determined (DAO 205-12, subparagraph 5.02a.5), that it is unnecessary and impracticable to publish quarterly or more frequently and distribute (by sale