

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

#### 7 CFR Part 3017

#### Governmentwide Debarment and Suspension (Nonprocurement); Delegation of Authority

**AGENCY:** Office of the Secretary, USDA.  
**ACTION:** Final rule.

**SUMMARY:** This rule amends 7 CFR part 3017 to permit the Chief of the Forest Service to redelegate the authority to serve as Forest Service nonprocurement debarment or suspending official to the Deputy Chief or an Associate Deputy Chief for the National Forest System.

**EFFECTIVE DATE:** May 20, 1998.

**FOR FURTHER INFORMATION CONTACT:** Jim Naylor, Forest Management Staff, Forest Service, USDA, STOP 1105, P.O. Box 96090, Washington, D.C. 20090-6090 (202) 205-0858.

**SUPPLEMENTARY INFORMATION:** Under the Governmentwide nonprocurement debarment and suspension rules, the authority to act as the Debarment and Suspending Official is vested in the agency head or an official designated by the agency head (53 FR 19161, 19205; May 26, 1988). However, the U.S. Department of Agriculture regulations implementing the Governmentwide nonprocurement debarment and suspension rules (54 FR 4721, 4731; Jan. 30, 1989) provide that the authority to act as a Debarment and Suspending Official may not be delegated below the head of any organizational unit of the U.S. Department of Agriculture.

The time-consuming nature of the Debarment and Suspending Official's duties is inconsistent with the other duties of and demands on the Chief of the Forest Service in overseeing the Forest Service's programs. The Debarment and Suspending Official must personally review the record, conduct

informal hearings, and make the decision to suspend, propose debarment, or debar. If there is subsequent litigation, the official may be required to answer depositions or to testify. Moreover, Forest Service debarment and suspension cases are complicated because many deal with indictments for timber theft, collusive bidding, and other serious violations concerning contracts and permits for the use of natural resources.

Therefore, in recognition of the number and complexity of Forest Service nonprocurement debarment and suspension actions, the Secretary is revising the USDA rule to permit the Chief to redelegate the authority to act as the Forest Service nonprocurement Debarment and Suspending Official to a subordinate Forest Service official, namely the Deputy Chief and the Associate Deputy Chiefs for the National Forest System.

#### Regulatory Impact

This rule relates to internal Department management. As such, this rule has no substantive effect, nor is it subject to prior review by the Office of Management and Budget under Executive Order 12866. Because of its internal nature, this rule also is exempt from further analysis under the Civil Justice Reform Act, the Unfunded Mandates Reform Act of 1995, the Paperwork Reduction Act, and Executive Order 12630.

#### List of Subjects in 7 CFR Part 3017

Administrative practice and procedure, Grant administration, Grant programs (Agriculture).

Therefore, for the reasons set forth in the preamble, Part 3017 of Title 7 of the Code of Federal Regulations is amended as follows:

#### PART 3017—GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR A DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 3017 continues to read as follows:

**Authority:** 5 U.S.C. 301; 41 U.S.C. 701 et seq.; E.O. 12549; 51 FR 6370, 3 CFR, 1986 Comp., p. 189.

2. Section 3017.105 is amended by revising the definitions of *Debarment official* paragraph (2)(i) and *Suspending*

*official* paragraph (2)(i) to read as follows:

#### § 3017.15 Definitions.

\* \* \* \* \*

*Debarment official.* \* \* \*

(2) \* \* \*

(i) In USDA, the authority to act as a debarment official is not delegated below the agency head, except that in the case of the Forest Service, the Chief may redelegate the authority to act as a debarment official to the Deputy Chief or an Associate Deputy Chief for the National Forest System.

\* \* \* \* \*

*Suspending official.* \* \* \*

(2) \* \* \*

(i) In USDA, the authority to act as a suspending official is not delegated below the agency head, except that in the case of the Forest Service, the Chief may redelegate the authority to act as a suspending official to the Deputy Chief or an Associate Deputy Chief for the National Forest System.

\* \* \* \* \*

Dated: May 12, 1998.

**Reba Pittman Evans,**

*Acting Assistant Secretary, Administration.*

[FR Doc. 98-13442 Filed 5-19-98; 8:45 am]

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## DEFENSE NUCLEAR FACILITIES SAFETY BOARD

### 10 CFR Part 1703

#### FOIA Fee Schedule

**AGENCY:** Defense Nuclear Facilities Safety Board.

**ACTION:** Update of FOIA fee schedule.

**SUMMARY:** The Defense Nuclear Facilities Safety Board is publishing its annual update to the Freedom of Information Act (FOIA) Fee Schedule pursuant to 10 CFR 1703.107(b)(6) of the Board's regulations.

**EFFECTIVE DATE:** June 1, 1998.

**FOR FURTHER INFORMATION CONTACT:** Kenneth M. Pusateri, General Manager, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Suite 700, Washington, DC 20004-2901, (202) 208-6447.

**SUPPLEMENTARY INFORMATION:** The FOIA requires each Federal agency covered by the Act to specify a schedule of fees applicable to processing of requests for