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AGENCY FOR INTERNATIONAL DEVELOPMENT

2 CFR Part 780

RIN 0412–AA77

Administrative Changes to the USAID Regulation on Nonprocurement Debarment and Suspension

AGENCY: U.S. Agency for International Development.

ACTION: Direct final rule.

SUMMARY: The U.S. Agency for International Development (USAID) is amending its regulations regarding nonprocurement debarment and suspension to revise the designation of the Agency official who will serve as the Agency's Suspending Official and Debarring Official and also to revise the designation of the individual who may grant an exception to let an excluded person participate in a covered transaction.

DATES: This rule is effective June 10, 2015 without further action, unless adverse comments are received by April 13, 2015. Submit comments on or before April 13, 2015.

ADDRESSES: Address all comments concerning this notice to Marcelle J. Wijesinghe, Bureau for Management, Office of Acquisition and Assistance, Policy Division (M/OAA/P), Room 867J, SA–44, Washington, DC 20523–2052. Submit comments, identified by title of the action and Regulatory Information Number (RIN) by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Email: Submit electronic comments to both *mwijesinghe@usaid.gov* and *lbond@usaid.gov.* See **SUPPLEMENTARY INFORMATION** for file formats and other information about electronic filing.

Mail: USAID, Bureau for Management, Office of Acquisition & Assistance, Policy Division, Room 867J, SA–44, Washington, DC 20523–2052.

FOR FURTHER INFORMATION CONTACT: Lyudmila Bond, Telephone: 202–567–4753 or Email: *lbond@usaid.gov.*

SUPPLEMENTARY INFORMATION:

A. Instructions

All comments must be in writing and submitted through one of the methods specified in the **ADDRESSES** section above. All submissions must include the title of the action and RIN for this rulemaking. Please include your name, title, organization, postal address, telephone number, and email address in the text of the message.

Comments submitted by email must be included in the text of the email or attached as a PDF file. Please avoid using special characters and any form of encryption. Please note, however, that because security screening precautions have slowed the delivery and dependability of surface mail to USAID/Washington, USAID recommends sending all comments to the Federal eRulemaking Portal.

All comments will be made available for public review without change, including any personal information provided, from three workdays after receipt to finalization of the action at *http://www.regulations.gov.* Do not submit information that you consider Confidential Business Information (CBI) or any information that is otherwise protected from disclosure by statute.

USAID is publishing this revision as a direct final rule as the Agency views this as an administrative amendment and does not anticipate any adverse comments. This rule will be effective on the date specified in the Dates section above without further notice unless adverse comment(s) are received by the date specified in the **DATES** section above. If adverse comments are received, USAID will publish a timely withdrawal of the rule in the **Federal Register**. Only comments that explain why the rule would be inappropriate, ineffective or unacceptable without a change will be considered.

B. Background

The following changes are implemented by this final rule:

(1) To enhance and elevate the independent authority of the suspending and debarring official (SDO) at USAID, the Agency is transferring the duties of the SDO from the procurement office to the Assistant Administrator, Bureau for Management or designee. This rule is implementing this change as applicable to nonprocurement debarment and suspension.

(2) The authorities to grant an exception permitting an excluded person to participate in a particular covered transaction, previously delegated to the Director of the Office of Acquisition and Assistance is re-delegated to the Assistant Administrator, Bureau for Management or designee.

C. Regulatory Planning and Review

This rule has been determined to be ''nonsignificant'' under the Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993 and, therefore, is not subject to review. This rule is not a major rule under 5 U.S.C. 804.

D. Regulatory Flexibility Act

The U.S. Agency for International Development certifies that this final rule will not 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 revisions of this rule will not impose any costs on either small or large businesses; therefore, an Initial Regulatory Flexibility Analysis has not been performed.

List of Subjects in 2 CFR Part 780

Federal grant program.

For the reasons discussed in the preamble, USAID amends 2 CFR part 780, subparts A and I as set forth below:

PART 780—NONPROCUREMENT DEBARMENT AND SUSPENSION

■ 1. The authority citations for 2 CFR part 780 continue to read as follows:

Authority: Sec. 2455, Pub. L. 103–355, 108 Stat. 3327; E.O. 12549, 3 CFR, 1986 Comp., p. 189; E.O. 12689, 3 CFR, 1989 Comp., p. 235.

Subpart A—General

■ 2. Revise § 780.137 to read as follows:

§ 780.137 Who in USAID may grant an exception to let an excluded person participate in a covered transaction?

The Assistant Administrator, Bureau for Management, or designee as delegated in Agency policy found in

ADS 103—Delegations of Authority, may grant an exception permitting an excluded person to participate in a particular covered transaction. If the Assistant Administrator, Bureau for Management or designee, grants an exception, the exception must be in writing and state the reason(s) for deviating from the government-wide policy in Executive Order 12549.

Subpart I—Definitions

■ 3. Revise § 780.930 to read as follows:

§ 780.930 Debarring Official (Agency for International Development supplement to government-wide definition at 2 CFR 180.930).

The *Debarring Official* for USAID is the Assistant Administrator, Bureau for Management, or designee as delegated in Agency policy found in ADS 103—Delegations of Authority.

■ 4. Revise § 780.1010 to read as follows:

§ 780.1010 Suspending Official (Agency for International Development supplement to government-wide definition at 2 CFR 180.1010).

The *Suspending Official* for USAID is the Assistant Administrator, Bureau for Management, or designee as delegated in Agency policy found in ADS 103—Delegations of Authority.

Aman S. Djahanbani,

Director, Bureau for Management, Office of Acquisition and Assistance.

[FR Doc. 2015–05569 Filed 3–11–15; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. APHIS–2014–0023]

Gypsy Moth Generally Infested Areas; Additions in Minnesota, Virginia, West Virginia, and Wisconsin

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the gypsy moth regulations by adding areas in Minnesota, Virginia, West Virginia, and Wisconsin to the list of generally infested areas based on the detection of infestations of gypsy moth in those areas. As a result of this action, the interstate movement of regulated articles from those areas is restricted. This action is necessary to prevent the artificial spread of the gypsy moth to noninfested areas of the United States.

DATES: This interim rule is effective March 12, 2015. We will consider all comments that we receive on or before May 11, 2015.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0023.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2014–0023, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0023* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Chaloux, National Policy Manager, Emerald Ash Borer Program and Gypsy Moth Program, Plant Protection and Quarantine, APHIS, 4700 River Road Unit 137, Riverdale, MD 20737; (301) 851–2064.

SUPPLEMENTARY INFORMATION:

Background

The gypsy moth, *Lymantria dispar* (Linnaeus), is a destructive pest of forest, shade, and commercial trees such as nursery stock and Christmas trees. The gypsy moth regulations (contained in 7 CFR 301.45 through 301.45–12 and referred to below as the regulations) restrict the interstate movement of regulated articles from generally infested areas to prevent the artificial spread of the gypsy moth.

In accordance with § 301.45–2 of the regulations, generally infested areas are, with certain exceptions, those States or portions of States in which a gypsy moth general infestation has been found by an inspector, or each portion of a State that the Administrator deems necessary to regulate because of its proximity to infestation or its inseparability for quarantine enforcement purposes from infested localities. Less than an entire State will be designated as a generally infested area only if: (1) The State has adopted and is enforcing a quarantine or regulation that imposes restrictions on the intrastate movement of regulated articles that are substantially the same as those that are imposed with respect to the interstate movement of such articles; and (2) the designation of less than the entire State as a generally infested area will be adequate to prevent the artificial interstate spread of infestations of the gypsy moth.

Section 301.45–3 of the regulations lists generally infested areas. In this rule, we are amending § 301.45–3(a) by adding the following areas to the list of generally infested areas: Cook and Lake Counties in Minnesota; Tazewell County in Virginia; McDowell, Mercer, Raleigh, Summers, and Wyoming Counties in West Virginia; and Iowa County in Wisconsin. As a result of this rule, the interstate movement of regulated articles from these areas will be restricted.

On December 4, 2012, January 2, 2013, and August 21, 2014, respectively, the Animal and Plant Health Inspection Service (APHIS) issued Federal Orders to quarantine the counties listed above for gypsy moth in response to confirmed infestations in those counties. This was done in cooperation with the respective State officials. By adding the above-named counties in Minnesota, Virginia, West Virginia, and Wisconsin to the list of generally infested areas, this rule will help prevent the artificial spread of the gypsy moth to noninfested areas of the United States.

We are also removing the requirement in § 301.45–4 that regulated articles originating outside of any generally infested area and moving interstate directly through any generally infested area must be covered to prevent access by the gypsy moth in any of its life stages. That requirement was put in place out of an abundance of caution when we had a more limited understanding of the biology and behavior of the gypsy moth. In the intervening time, advances in our understanding of the pest have led APHIS to conclude that the requirement does not provide additional protection from the spread of gypsy moth during shipment. We are therefore removing a requirement that we no longer view as necessary, thus lightening the regulatory burden on shippers of regulated articles.

Emergency Action

This rulemaking is necessary on an emergency basis because of the possibility that the gypsy moth could be artificially spread to noninfested areas of the United States, where it could cause economic losses due to the defoliation of susceptible forest and shade trees. Under these circumstances,