

# Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

### 2 CFR Part 2200

#### 45 CFR Parts 2541, 2542 and 2545

RIN 3045-AA48

### Corporation for National and Community Service Implementation of OMB Guidance on Nonprocurement Debarment and Suspension

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Direct final rule.

**SUMMARY:** The Corporation for National and Community Service is establishing a new part 2200 in 2 CFR as the Corporation's policies and procedures for nonprocurement debarment and suspension. The new part 2200 adopts and supplements the Office of Management and Budget's (OMB's) guidance in 2 CFR part 180. The Corporation for National and Community Service is also removing 45 CFR part 2542, which contains the Corporation's implementation of the governmentwide common rule on nonprocurement debarment and suspension. 2 CFR part 2200 will serve the same purpose as the common rule in a simpler way. These changes constitute an administrative simplification that would make no substantive change in Corporation's policies or procedures for nonprocurement debarment and suspension.

**DATES:** This final rule is effective on July 23, 2007 without further action, unless adverse comment is received by the Corporation for National and Community Service by June 22, 2007. If adverse comment is received, Corporation for National and Community Service will publish a timely withdrawal of the rule in the **Federal Register**.

**ADDRESSES:** You may submit comments by e-mail to [dhilton@cns.gov](mailto:dhilton@cns.gov). Include RIN 3045-AA48 in the subject line of the message. You may also submit comments by mail to Douglas H. Hilton, Office of the General Counsel, Corporation for National and Community Service, 1201 New York Avenue, NW., Washington, DC 20525. Contact Douglas H. Hilton for copies of comments.

**FOR FURTHER INFORMATION CONTACT:** Douglas H. Hilton, Associate General Counsel, 202-606-6892, [dhilton@cns.gov](mailto:dhilton@cns.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

Corporation for National and Community Service's current regulation on nonprocurement suspension and debarment is found in 45 CFR part 2542. This regulation is the Corporation for National and Community Service's promulgation of the governmentwide "common rule" on this subject, which was issued November 26, 2003 (68 FR 66586).

On August 31, 2005, the Office of Management and Budget (OMB) issued interim final guidance for governmentwide nonprocurement suspension and debarment (70 FR 51863). This guidance, located in 2 CFR part 180, is substantively the same as the common rule, but is published in a form that each agency can adopt, thus eliminating the need for each agency to publish its separate version of the same rule. It also facilitates the ability to update governmentwide requirements without each agency having to re-promulgate its own rules.

The Corporation for National and Community Service is therefore establishing new 2 CFR part 2200, which adopts as its regulation the OMB guidance set forth in 2 CFR part 180 as supplemented with the few required agency-specific provisions. Current 45 CFR part 2542 is being removed, and parts 2541 and 2545 are being amended to conform to the removal of part 2542.

No substantive change in Corporation for National and Community Service's nonprocurement suspension and debarment regulation is intended by these actions.

##### Executive Order 12866

OMB has determined this rule to be not significant.

### Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b))

This regulatory action will not have a significant adverse impact on a substantial number of small entities.

### Unfunded Mandates Act of 1995 (Sec. 202, Pub. L. 104-4)

This regulatory action does not contain a Federal mandate that will result in the expenditure by State, local, and tribal governments, in aggregate, or by the private sector of \$100 million or more in any one year.

### Paperwork Reduction Act of 1995 (44 U.S.C., Chapter 35)

This regulatory action will not impose any additional reporting or recordkeeping requirements under the Paperwork Reduction Act.

### Federalism (Executive Order 13132)

This regulatory action does not have Federalism implications, as set forth in Executive Order 13132. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

#### List of Subjects

##### 2 CFR Part 2200

Administrative practice and procedure, Debarment and suspension, Grant programs, Reporting and recordkeeping requirements.

##### 45 CFR Part 2541

Accounting, Grant programs, Indians, Intergovernmental relations, Reporting and recordkeeping requirements.

##### 45 CFR Part 2542

Administrative practice and procedure, Debarment and suspension, Grant programs, Reporting and recordkeeping requirements.

##### 45 CFR Part 2545

Administrative practice and procedure, Drug abuse, Grant programs, Reporting and recordkeeping requirements.

■ Accordingly, under the authority of 22 U.S.C. 2503(b), the Corporation for National and Community Service amends the Code of Federal Regulations, Title 2, Subtitle B, and Title 45, Chapter XXV, as follows:

## Title 2—Grants and Agreements

■ 1. Add Chapter XXII, consisting of part 2200, to Subtitle B to read as follows:

### CHAPTER XXII—CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

#### PART 2200—NONPROCUREMENT DEBARMENT AND SUSPENSION

Sec.

2200.10 What does this Part do?

2200.20 Does this Part apply to me?

2200.30 What policies and procedures must I follow?

2200.137 Who in the Corporation for National and Community Service may grant an exception to let an excluded person participate in a covered transaction?

2200.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

2200.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

2200.437 What method do I use to communicate to a participant the requirements described in the OMB guidance at 2 CFR 180.435?

**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; 22 U.S.C. 2503(b).

#### § 2200.10 What does this Part do?

This Part adopts the Office of Management and Budget (OMB) guidance in Subparts A through I of 2 CFR part 180, as supplemented by this part, as the Corporation for National and Community Service policies and procedures for nonprocurement debarment and suspension. It thereby gives regulatory effect for the Corporation for National and Community Service to the OMB guidance as supplemented by this part. This Part satisfies the requirements in section 3 of Executive Order 12549, “Debarment and Suspension” (3 CFR 1986 Comp., p. 189), Executive Order 12689, “Debarment and Suspension” (3 CFR 1989 Comp., p. 235) and 31 U.S.C. 6101 note (Section 2455, Pub. L. 103–355, 108 Stat. 3327).

#### § 2200.20 Does this Part apply to me?

This Part and, through this Part, pertinent portions of the OMB guidance in Subparts A through I of 2 CFR Part (see table at 2 CFR 180.100(b)) apply to you if you are a—

(a) Participant or principal in a “covered transaction.” (see Subpart B of 2 CFR part 180 and the definition of “nonprocurement transaction” at 2 CFR 180.970.

(b) Respondent in a Corporation for National and Community Service suspension or debarment action;

(c) Corporation for National and Community Service debarment or suspension official; or

(d) Corporation for National and Community Service grants officer, agreements officer, or other official authorized to enter into any type of nonprocurement transaction that is a covered transaction.

#### § 2200.30 What policies and procedures must I follow?

The Corporation for National and Community Service policies and procedures that you must follow are the policies and procedures specified in each applicable section of the OMB guidance in Subparts A through I of 2 CFR part 180, as that section is supplemented by the section in this Part with the same section number. The contracts that are covered transactions, for example, are specified by section 220 of the OMB guidance (*i.e.*, 2 CFR 180.220) as supplemented by section 220 in this Part (*i.e.*, Sec. 2200.220). For any section of OMB guidance in Subparts A through I of 2 CFR part 180 that has no corresponding section in this part, Corporation for National and Community Service policies and procedures are those in the OMB guidance.

#### § 2200.137 Who in the Corporation for National and Community Service may grant an exception to let an excluded person participate in a covered transaction?

The Chief Executive Officer (or another official designated by the Chief Executive Officer) has the authority to grant an exception to let an excluded person participate in a covered transaction, as provided in the OMB guidance at 2 CFR 180.135.

#### § 2200.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

Although the OMB guidance at 2 CFR 180.220(c) allows a Federal agency to do so (also see optional lower tier coverage in the figure in the Appendix to 2 CFR part 180), Corporation for National and Community Service does not extend coverage of nonprocurement suspension and debarment requirements beyond first-tier procurement contracts under a covered nonprocurement transaction.

#### § 2200.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

You as a participant must include a term or condition in lower-tier transactions requiring lower-tier

participants to comply with Subpart C of the OMB guidance in 2 CFR part 180.

#### § 2200.437 What method do I use to communicate to a participant the requirements described in the OMB guidance at 2 CFR 180.435?

To communicate to a participant the requirements described in 2 CFR 180.435 of the OMB guidance, you as an agency official must include a term or condition in the transaction that requires the participant's compliance with subpart C of 2 CFR part 180, and requires the participant to include a similar term or condition in lower-tier covered transactions.

## Title 45—Public Welfare

### CHAPTER XXV—CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

#### PART 2541—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

■ 2. The authority citation for part 2541 continues to read as follows:

**Authority:** 42 U.S.C. 4950 *et seq.* and 12501 *et seq.*

■ 3. Revise the introductory text to § 2541.30 to read as follows:

#### § 2541.30 Definitions.

The following definitions apply to terms used in this part.

\* \* \* \* \*

#### PART 2542—[REMOVED]

■ 4. Remove part 2542.

#### PART 2545—GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (FINANCIAL ASSISTANCE)

■ 5. The authority citation for part 2545 continues to read as follows:

**Authority:** 41 U.S.C. 701, *et seq.*; 42 U.S.C. 12644 and 12651(c).

■ 6. Revise § 2545.510 to read as follows:

#### § 2545.510 What actions will the Federal Government take against a recipient determined to have violated this part?

If a recipient is determined to have violated this part, as described in § 2545.500 or § 2545.505, the Corporation may take one or more of the following actions—

(a) Suspension of payments under the award;

(b) Suspension or termination of the award; and

(c) Suspension or debarment of the recipient under 2 CFR part 180 (as

implemented by 2 CFR part 2200), for a period not to exceed five years.

Dated: May 17, 2007.

**Frank R. Trinity,**

*General Counsel.*

[FR Doc. 07-2575 Filed 5-22-07; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 301

[Docket No. APHIS-2007-0032]

#### Citrus Canker; Interstate Movement of Regulated Nursery Stock From Quarantined Areas

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Interim rule; extension of comment period.

**SUMMARY:** We are extending the comment period for our interim rule that amended the citrus canker quarantine regulations to explicitly prohibit, with limited exceptions, the interstate movement of regulated nursery stock from a quarantined area. This action will allow interested persons additional time to prepare and submit comments.

**DATES:** We will consider all comments that we receive on or before June 11, 2007.

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

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>, select "Animal and Plant Health Inspection Service" from the agency drop-down menu, then click "Submit." In the Docket ID column, select APHIS-2007-0032 to submit or view public comments and to view supporting and related materials available electronically. Information on using [Regulations.gov](http://www.regulations.gov), including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's "User Tips" link.

- *Postal Mail/Commercial Delivery:* Please send four copies of your comment (an original and three copies) to Docket No. APHIS-2007-0032, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. APHIS-2007-0032.

**Reading Room:** You may read any comments that we receive on Docket No. APHIS-2007-0032 in our reading room. The reading room 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) 690-2817 before coming.

**Other Information:** Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Stephen Poe, Senior Operations Officer, Emergency Domestic Programs, Plant Protection and Quarantine, APHIS, 4700 River Road Unit 137, Riverdale, MD 20737-1231; (301) 734-4387.

**SUPPLEMENTARY INFORMATION:** On March 22, 2007, we published in the **Federal Register** (72 FR13423-13428, Docket No. APHIS-2007-0032) an interim rule that amended the citrus canker quarantine regulations to explicitly prohibit, with limited exceptions, the interstate movement of regulated nursery stock from a quarantined area. The interim rule was effective on March 16, 2007. We took this action because the interstate movement of regulated nursery stock from an area quarantined for citrus canker poses a high risk of spreading citrus canker outside the quarantined area. The interim rule included two exceptions to the prohibition. We allowed calamondin and kumquat plants, two types of citrus plants that are highly resistant to citrus canker, to move interstate from a quarantined area under a protocol designed to ensure that they are free of citrus canker prior to movement. We also continued to allow the interstate movement of regulated nursery stock for immediate export, under certain conditions. This action was necessary to clarify our regulations and to address the risk associated with the interstate movement of regulated nursery stock from areas quarantined for citrus canker.

In an order dated April 26, 2007, the United States District Court of the Middle District of Florida, Ocala Division, instructed the U.S. Department of Agriculture to begin a new round of notice-and-comment rulemaking on the issue of the interstate movement of regulated nursery stock from areas quarantined for citrus canker.

We solicited comments on the interim rule for 60 days after its publication. Comments on the interim rule were required to be received on or before May 21, 2007. We are extending the

comment period on Docket No. APHIS-2007-0032 for an additional 21 days, until June 11, 2007. This action will allow interested persons additional time to prepare and submit comments.

We encourage members of the public, including regulated industry, to submit comments regarding the interim rule, including the scientific and regulatory basis of the rule. We will carefully consider all the comments we receive. If our review of the comments indicates that changes to the regulations promulgated in the interim rule are warranted, we will amend the regulations accordingly.

**Authority:** 7 U.S.C. 7701-7772 and 7781-7786; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75-15 issued under Sec. 204, Title II, Pub. L. 106-113, 113 Stat. 1501A-293; sections 301.75-15 and 301.75-16 issued under Sec. 203, Title II, Pub. L. 106-224, 114 Stat. 400 (7 U.S.C. 1421 note).

Done in Washington, DC, this 17th day of May 2007.

**Kevin Shea,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. E7-9898 Filed 5-22-07; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2006-26120; Directorate Identifier 2006-NM-184-AD; Amendment 39-15051; AD 2007-10-10]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Model A300-600 Series Airplanes

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for all Airbus Model A300-600 series airplanes. This AD requires revising the Airworthiness Limitations section of the Instructions for Continued Airworthiness to incorporate new limitations for fuel tank systems. This AD results from fuel system reviews conducted by the manufacturer. We are issuing this AD to prevent the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors caused by latent failures, alterations, repairs, or maintenance actions, could result in fuel tank explosions and consequent loss of the airplane.