

# Rules and Regulations

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

#### 2 CFR Part 376

#### 45 CFR Parts 74 and 76

### Implementation of the Office of OMB Guidance on Nonprocurement Debarment and Suspension

**AGENCY:** Department of Health and Human Services.

**ACTION:** Final rule.

**SUMMARY:** The Department of Health and Human Services ("HHS" or the "Department") adopted, by an interim final rule, the Office of Management and Budget (OMB) guidance at 2 CFR part 180 on nonprocurement debarment and suspension including some provisions specific to HHS. Public comment on this action was solicited in a **Federal Register** notice dated March 1, 2007. No comments were received; therefore, the Department makes no changes to its interim final rule and it remains in effect as of March 1, 2007. Pursuant to the requirements in OMB guidance, HHS makes final the following regulatory actions: Removes its existing regulation on nonprocurement debarment at 45 CFR part 76, establishes a new part 376 in title 2 Code of Federal Regulations (CFR) adopting OMB's guidance and adding provisions specific to HHS, and revises the reference in 45 CFR 74.13 to reflect the new citation to 2 CFR part 376.

**DATES:** Effective June 28, 2007.

#### FOR FURTHER INFORMATION CONTACT:

Nancy Weisman, Office of Grants Policy, Oversight and Evaluation, U.S. Department of Health and Human Services, at (202) 260-4573, or e-mail her at [Nancy.Weisman@hhs.gov](mailto:Nancy.Weisman@hhs.gov).

#### SUPPLEMENTARY INFORMATION:

### I. Procedural Review Requirements

#### A. Executive Order 12866, Regulatory Planning and Review

HHS has determined that 2 CFR part 376 is not a significant regulatory action.

#### B. Regulatory Flexibility Act

HHS certifies this rulemaking will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act [5 U.S.C. 605(b)]. Therefore, no regulatory flexibility statement has been prepared. Since this rule relocates existing HHS nonprocurement and debarment policies or procedures and does not promulgate any new policies and procedures that would impact the public, it has been determined that this rule will not have a significant economic effect on a substantial number of small entities, and, thus, a regulatory flexibility analysis was not performed.

#### C. Unfunded Mandates Reform Act

HHS has determined that 2 CFR 376 does not contain a Federal mandate under 2 U.S.C. 1501(7) that may result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year.

#### D. Paperwork Reduction Act

The Paperwork Reduction Act, 44 U.S.C. 35, does not apply because the issuance of 2 CFR part 376 does not impose any new reporting or recordkeeping requirements that require approval by OMB.

#### E. Executive Order 13132, Federalism

This regulation does not have federalism implications, as set forth in Executive Order 13132. This regulation does not have substantial direct effects on the states, the relationship between the Federal government and the states, or the distribution of power and responsibilities among the various levels of government.

#### List of Subjects

##### 2 CFR Part 376

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

#### 45 CFR Part 74

Accounting, Colleges and universities, Grant programs, Hospitals, Indians, Intergovernmental relations, Nonprofit organizations, Reporting and recordkeeping requirements.

#### 45 CFR Part 76

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

Dated: June 18, 2007.

**Michael O. Leavitt,**  
Secretary.

■ Accordingly, under the authority of 5 U.S.C. 301; 31 U.S.C. 6101 (note); E.O. 12689 (3 CFR, 1989 Comp., p. 235); E.O. 12549 (3 CFR, 1986 Comp., p. 189); E.O. 11738 (3 CFR, 1973 Comp., p. 799), the interim rule amending 2 CFR part 376 and 45 CFR parts 74 and 76 which was published at 72 FR 9233 on March 1, 2007, is adopted as a final rule without change.

[FR Doc. E7-12225 Filed 6-27-07; 8:45 am]

**BILLING CODE 4150-24-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2007-28298; Airspace Docket No. 07-ASO-10]

### Amendment of Class D Airspace; Valdosta, Moody AFB, GA

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

**ACTION:** Final rule.

**SUMMARY:** This action amends Class D airspace at Valdosta, Moody AFB, GA. The Air Education Training Command (AETC) T-6 mission at Moody AFB has been eliminated. Therefore, the requirement for a 7-mile radius of Moody AFB is no longer required. The Moody AFB Class D airspace is amended to airspace upward from the surface up to and including 2,700 MSL within a 5-mile radius of the airport.

**DATES:** *Effective Date:* 0901 UTC, August 30, 2007. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order

7400.9 and publication of conforming amendments.

**FOR FURTHER INFORMATION CONTACT:**

Mark D. Ward, Group Manager, System Support, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5581.

**SUPPLEMENTARY INFORMATION:**

**History**

In July 2001, the Moody AFB Class D airspace was expanded from a 5-mile radius to a 7-mile radius of the airport to support the Air Education Training Command (AETC) T-6 mission at Moody AFB to protect the longer and wider patterns required for this training mission. The Base Realignment and Closure (BRAC) Commission actions in 2005 has now eliminated the T-6 mission at Moody AFB. The 7-mile radius Class D airspace area is no longer required. On May 29, 2007, the U.S. Air Force requested the Valdosta Moody AFB, GA, Class D airspace to be reduced in size to a 5-mile radius of the airport. This rule becomes effective on the date specified in the "Effective Date" section. Since this action eliminates the impact of controlled airspace on users of airspace in the vicinity of Valdosta, Moody AFB, GA, notice and public procedure under 5 U.S.C. 553(b) are not necessary. Designations for Class D airspace areas extending upward from the surface of the earth are published in paragraph 5000 of FAA Order 7400.9P, dated September 01, 2006, and effective September 15, 2006, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designations listed in this document will be published subsequently in the Order.

**The Rule**

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) amends Class D airspace at Valdosta, Moody AFB, GA.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a

substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by Reference, Navigation (air).

**Adoption of the Amendment**

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR Part 71 as follows:

**PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS**

■ 1. The authority citation for 14 CFR Part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g); 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

**§ 71.1 [Amended]**

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9P, Airspace Designations and Reporting Points, dated September 1, 2006, and effective September 15, 2006, is amended as follows:

*Paragraph 5000 Class D Airspace.*

\* \* \* \* \*

**ASO GA D Valdosta Moody AFB, GA [REVISED]**

Valdosta, Moody AFB, GA  
(Lat. 30°58'04" N, long. 83°11'35" W)

That airspace extending upward from the surface, to and including 2,700 feet MSL, within a 5-mile radius of Moody AFB. This Class D airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

\* \* \* \* \*

Issued in College Park, Georgia, on June 1, 2007.

**Barry A. Knight,**

*Acting Group Manager, System Support Group Eastern Service Center.*

[FR Doc. 07-3129 Filed 6-27-07; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

[CGD01-07-082]

RIN 1625-AA00

**Safety Zone: Westport PAL Fireworks, Westport, CT**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for the Westport PAL Fireworks in Westport, CT. The safety zone is necessary to protect the life and property of the maritime community from the hazards posed by the fireworks display. Entry into or movement within this safety zone during the enforcement period is prohibited without approval of the Captain of the Port, Long Island Sound.

**DATES:** This rule is effective from 8:15 p.m. on July 3, 2007 until 11:15 p.m. on July 5, 2007.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket, are part of docket CGD01-07-082 and will be available for inspection or copying at Sector Long Island Sound, New Haven, CT, between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:**

Lieutenant D. Miller, Chief, Waterways Management Division, Coast Guard Sector Long Island Sound at (203) 468-4596.

**SUPPLEMENTARY INFORMATION:**

**Regulatory Information**

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. The Coast Guard did not receive an Application for Approval of Marine Event for this event with sufficient time to implement a NPRM, thereby making an NPRM impracticable. A delay or cancellation of the fireworks in order to accommodate a full notice and comment period would be contrary to public interest.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Any delay encountered in this regulation's effective date would be impracticable and contrary to public interest since immediate action is