

has identified two reporting points that need to be amended to align with their actual locations. No changes to the routing or procedures are being made. Several reporting points are no longer needed for air traffic control and are being removed, and one reporting point is being renamed. Accordingly, since this is an administrative change and does not involve a change in the dimension or operating requirements of this airspace, notice and public procedures under 5 U.S.C. 553 (b) are unnecessary.

Hawaiian Reporting Points are listed in paragraph 7006 of FAA Order 7400.9U dated August 18, 2010, and effective September 15, 2010, which is incorporated by reference in 14 CFR 71.1. The Reporting Points listed in this document will be published subsequently in the Order.

### The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by amending two Reporting Points (EELIC and TOADS) to reflect their actual locations. Additionally, the SILVA reporting point will be renamed SYVAD, and adjusted to reflect its actual location. The LULUS, NIEMO, and PADDI Reporting Points will be removed.

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. Therefore, this regulation: (1) Is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under Department of Transportation (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, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency’s authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to

assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Reporting Points in Hawaii.

### Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, Environmental Impacts: Policies and Procedures, paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

### 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, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

- 1. The authority citation for part 71 continues to read as follows:

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

#### § 71.1 [Amended]

- 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9U, Airspace Designations and Reporting Points, dated August 18, 2010, and effective September 15, 2010, is amended as follows:

*Paragraph 7006—Hawaiian reporting points.*

\* \* \* \* \*

#### EELIC [Amended]

Lat. 19°27’26” N., long. 153°18’23” W. (INT Hilo, HI, 099° radial and the Honolulu CTA/FIR boundary).

#### TOADS [Amended]

Lat. 22°46’09” N., long. 156°41’46” W. (INT Mollkai, HI, 015° radial and the Honolulu CTA/FIR boundary).

#### SYVAD [Amended]

INT South Kauai, HI, 271° radial and long. 162°45’29” W.

LULUS: [Removed]

NIEMO: [Removed]

PADDI: [Removed]

SILVA: [Removed]

Issued in Washington, DC, on February 28, 2011.

**Edith V. Parish,**

*Manager, Airspace, Regulation and ATC Procedures Group.*

[FR Doc. 2011–4925 Filed 3–4–11; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### 15 CFR Part 750

[Docket No. 110224164–1168–02]

RIN 0694–AF16

### Amendment to the Export Administration Regulations: Application Processing, Issuance, and Denial

**AGENCY:** Bureau of Industry and Security, Commerce.

**ACTION:** Final rule.

**SUMMARY:** In this final rule, the Bureau of Industry and Security (BIS) amends the Export Administration Regulations (EAR) by clarifying the Application Processing, Issuance, and Denial provisions concerning BIS’s authority to revise, suspend or revoke licenses.

**DATES:** This rule is effective March 2, 2011.

#### FOR FURTHER INFORMATION CONTACT:

Sheila Quarterman, Bureau of Industry and Security, Regulatory Policy Division, by phone at 202–482–2440, or by e-mail at [rp2@bis.doc.gov](mailto:rp2@bis.doc.gov).

#### SUPPLEMENTARY INFORMATION:

### Amendment to the Export Administration Regulations: Part 750—Application Processing, Issuance, and Denial

Part 750 of the EAR provides for the revision, suspension or revocation of licenses whenever it is known that the EAR have been violated or that a violation is about to occur. In this final rule, BIS revises the first sentence in paragraph (a) of Section 750.8 (Revocation or suspension of licenses) by removing the phrase “whenever it is known that the EAR have been violated or that a violation is about to occur.” Harmonization is an objective for agencies under Executive Order 13563, which states: “In developing regulatory actions and identifying appropriate approaches, each agency shall attempt

to promote such coordination, simplification, and harmonization.” This change will clarify BIS’s authority to revise, suspend, or revoke licenses and will harmonize Section 750.8(a) of the EAR, concerning licenses, with an analogous provision in Section 740.2(b) regarding the revision, suspension or revocation of license exceptions under the EAR. BIS makes this change in Part 750 to make it clear and consistent with § 740.2(b) that the United States’ ability to revoke or suspend a license is not limited to only when the EAR have been violated or that a violation is about to occur but also to prevent licensed export transactions in which the United States may subsequently have an interest, including a foreign policy interest.

Since August 21, 2001, the Export Administration Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp., p. 783 (2002)), as extended most recently by the Notice of August 16, 2010 (75 FR 50681, August 16, 2010), has continued the EAR in effect under the International Emergency Economic Powers Act. BIS continues to carry out the provisions of the Act, as appropriate and to the extent permitted by law, pursuant to Executive Order 13222.

#### Rulemaking Requirements

1. This final rule has been determined to be significant for the purposes of Executive Order 12866.

2. Notwithstanding any other provisions of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This rule does not involve a collection of information and, therefore, does not implicate requirements of the PRA.

3. This rule does not contain policies with Federalism implications as that term is defined under Executive Order 13132.

4. The Department finds that the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring prior notice, the opportunity for public participation, and a delay in effective date are inapplicable because this regulation involves a military and foreign affairs function of the United States (5 U.S.C. 553(a)(1)) or, in the alternative, the Department for good cause finds that prior notice and opportunity for public comment are

contrary to the public interest (5 U.S.C. 553(b)(B)). It is contrary to the public interest to delay clarifying the Department’s authority to revise, suspend or revoke licenses because this delay may allow for the occurrence of certain export transactions that the United States has an interest, including a foreign policy interest, in preventing. Therefore, this regulation is issued in final form. In addition, the Department finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness for the reasons provided above. Accordingly, this regulation is made effective immediately upon publication.

No other law requires that a notice of proposed rulemaking and an opportunity for public comments be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under the Administrative Procedure Act or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

#### List of Subjects in 15 CFR Part 750

Administrative practice and procedure, Exports, Reporting and recordkeeping requirements.

Accordingly, part 750 of the Export Administration Regulations (15 CFR Parts 730–774) is amended as follows:

#### PART 750—[AMENDED]

■ 1. The authority citation for 15 CFR Part 750 continues to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; Sec 1503, Pub. L. 108–11, 117 Stat. 559; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Presidential Determination 2003–21 of May 7, 2003, 68 FR 26459, May 16, 2003; Notice of August 12, 2010, 75 FR 50681 (August, 16, 2010).

#### § 750.8 [Amended]

■ 2. The first sentence of paragraph (a) of § 750.8 is amended by removing the text “whenever it is known that the EAR have been violated or that a violation is about to occur.”

Dated: March 2, 2011.

**Kevin J. Wolf,**

*Assistant Secretary for Export Administration.*

[FR Doc. 2011–5079 Filed 3–2–11; 4:15 pm]

**BILLING CODE 3510–33–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R09–OAR–2010–0813; FRL–9239–6]

### Revisions to the California State Implementation Plan, for Imperial County, Kern County, and Ventura County; Air Pollution Control Districts

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve revisions to the Imperial County Air Pollution Control District (ICAPCD), Kern County Air Pollution Control District (KCAPCD), and Ventura County Air Pollution Control District (VCAPCD) portions of the California State Implementation Plan (SIP). Under authority of the Clean Air Act as amended in 1990 (CAA or the Act), we are approving local rules that define terms used in other air pollution regulations in these areas.

**DATES:** This rule is effective on May 6, 2011 without further notice, unless EPA receives adverse comments by April 6, 2011. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

**ADDRESSES:** Submit comments, identified by docket number EPA–R09–OAR–2010–0813, by one of the following methods:

1. *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions.

2. *E-mail:* [steckel.andrew@epa.gov](mailto:steckel.andrew@epa.gov).

3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

*Instructions:* All comments will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through <http://www.regulations.gov> or e-mail. <http://www.regulations.gov> is an “anonymous access” system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured