

**SUMMARY:** This action removes the Class D and E Airspace at Panama City-Bay County Airport, Panama City, FL, as the airport has closed and the associated Standard Instrument Approach Procedures (SIAPs) removed, eliminating the need for controlled airspace.

**DATES:** Effective 0901 UTC, September 23, 2010. 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:** Melinda Giddens, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5610.

**SUPPLEMENTARY INFORMATION:**

**History**

Northwest Florida-Panama City International Airport, a new airport for Panama City, FL, opened on May 23, 2010. Therefore, the Panama City-Bay County Airport was closed effective at 10 p.m. on May 22, 2010. The associated SIAPs and controlled airspace must be removed in conjunction with the airport closure. As a result, this action will remove the Class D, E4, and E5 airspace for the Panama City-Bay County Airport, Panama City, FL. This rule will become effective on the date specified in the **DATES** section. Since this action eliminates the impact of controlled airspace on users of the National Airspace System in the vicinity of the Panama City-Bay County Airport, Panama City, FL, notice and public procedure under 5 U.S.C. 553(b) are unnecessary. Class D and Class E airspace designations are published in paragraphs 5000, 6004 and 6005 respectively of FAA Order 7400.9T, dated August 27, 2009, and effective September 15, 2009, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document will be published subsequently in the Order.

**The Rule**

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 removes the Class D, E4 and E5 airspace at Panama City-Bay County Airport, Panama City, FL. Controlled airspace is no longer needed as the airport has closed.

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, is non-controversial and unlikely to result in adverse or negative comments. 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, 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 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 removes controlled airspace at Panama City-Bay County Airport, Panama City, FL.

**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 Federal Aviation Administration Order 7400.9T, Airspace Designations and Reporting Points, signed August 27, 2009, effective September 15, 2009, is amended as follows:

*Paragraph 5000 Class D Airspace.*

\* \* \* \* \*

**ASO FL D Panama City, FL [Removed]**

Panama City-Bay County Airport, FL  
(Lat. 30°12'44" N., long. 85°40'58" W.)

\* \* \* \* \*

*Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D Surface Area.*

\* \* \* \* \*

**ASO FL E4 Panama City, FL [Removed]**

Panama City-Bay County Airport, FL  
(Lat. 30°12'44" N., long. 85°40'58" W.)

Panama City VORTAC  
(Lat. 30°12'59" N., long. 85°40'52" W.)

\* \* \* \* \*

*Paragraph 6005 Class E Airspace Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

**ASO FL E5 Panama City, FL [Removed]**

Panama City-Bay County Airport, FL  
(Lat. 30°12'44" N., long. 85°40'58" W.)

Tyndall AFB  
(Lat. 30°04'12" N., long. 85°34'34" W.)

Issued in College Park, Georgia, on July 13, 2010.

**Mark D. Ward,**

*Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.*

[FR Doc. 2010-18262 Filed 7-26-10; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF COMMERCE**

**Bureau of Industry and Security**

**15 CFR Parts 740 and 742**

[Docket No. 100309131-0283-03]

RIN 0694-AE89

**Clarification of Grace Period for Encryption Registration Requirement**

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

**ACTION:** Final rule; correcting amendments.

**SUMMARY:** This rule clarifies the intent of the encryption registration requirement that appeared in a rule published on June 25, 2010. In addition, this rule corrects the e-mail address for the public contact referenced in the June 25, 2010 rule.

**DATES:** This rule is effective July 27, 2010.

**FOR FURTHER INFORMATION CONTACT:** Sharron Cook, Regulatory Policy Division, e-mail [scook@bis.doc.gov](mailto:scook@bis.doc.gov), telephone (202) 482-2440.

**SUPPLEMENTARY INFORMATION:**

## Background

On June 25, 2010, the Bureau of Industry and Security (BIS) published a final rule (75 FR 36482) that, *inter alia*, established an encryption registration requirement for authorization under provisions of License Exception ENC, as codified in § 740.17(b)(1), (b)(2) and (b)(3) of the EAR, and for transactions in connection with mass market encryption transaction, as codified in §§ 742.15(b)(1) and (b)(3) of the EAR. In § 740.17(d)(1)(i)(A) and (d)(1)(i)(B), the rule specified that an encryption registration was required to be filed the first time that a party submits an encryption classification request under § 740.17(b)(2) and (b)(3) or performs an encryption self-classification under § 740.17(b)(1) on or after August 24, 2010. The rule also stated that an encryption registration was required to be submitted in support of an encryption classification or in circumstances where a party is making a mass market encryption item eligible for export and reexport (including the definition at § 734.2(b)(9) for encryption software) under § 742.15(b)(1) for the first time on or after August 24, 2010. Although the rule was issued in final form on June 25, the rule intended to establish a grace period permitting parties to wait until August 24 to submit their registration requirements.

The intent of this grace period was to allow industry time to gather information necessary to accurately submit the information required in the encryption registration (Supplement No. 5 to part 742), to change internal procedures, and to train personnel before submitting the encryption registration. However, the rule inadvertently omitted language that clarifies that parties may self-classify or seek classifications between June 25, 2010 and August 24, 2010 without first submitting a registration. It also inadvertently omitted language that clarifies the post-classification registration requirement for parties that self-classified or sought classifications between June 25, 2010 and August 24, 2010, but did not self-classify or seek a classification again on or after August 24, 2010. This rule corrects the regulations to include language that clarifies the intent of the grace period.

Therefore, this rule adds a sentence to the introductory text of paragraph (b) of § 740.17 that reads, "For items self-classified under paragraph (b)(1) of this section from June 25, 2010 through August 24, 2010, and for requests for classification under paragraphs (b)(2) and (b)(3) of this section submitted from June 25, 2010 through August 24, 2010,

exporters have until August 24, 2010 to submit their encryption registrations." This rule also adds a sentence to the introductory text of paragraph (b) of § 742.15 that reads "For items self-classified under paragraph (b)(1) of this section from June 25, 2010 through August 24, 2010, and for requests for classification under paragraph (b)(3) of this section submitted from June 25, 2010 through August 24, 2010, exporters have until August 24, 2010 to submit their encryption registrations."

Since this rule is a clarification of contradicting provisions of the regulations, BIS has determined that this rule has no retroactive effect. The registration requirement remains prospective (i.e. by August 24, 2010), and BIS is not actually triggering any requirements with which the affected entities would not otherwise have to comply. The encryption clarification rule simply clarifies that those who proceed with export between June 25, 2010 and August 24, 2010 must file with BIS by August 24, 2010. The public is not adversely affected by this clarification since it provides exporters with a clear guidance for exporting between June 25, 2010 and August 24, 2010.

In addition, the June 25, 2010 rule listed a non-existent e-mail address (*encryption@bis.doc.gov*) as the e-mail address for technical questions in the **FOR FURTHER INFORMATION CONTACT** section of the preamble of the rule. The correct address for technical questions is *cpratt@bis.doc.gov*. The e-mail address for non-technical questions continues to be *scook@bis.doc.gov*.

## Rulemaking Requirements

1. This rule is not significant for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid Office of Management and Budget Control Number. This rule involves a collection of information that has been approved by the OMB under control number 0694-0088, which carries a burden hour estimate of 58 minutes to prepare and submit form BIS-748. Miscellaneous and recordkeeping activities account for 12 minutes per submission. BIS believes that this rule will make no change to the number of submissions or to the burden imposed by this collection.

3. This rule does not contain policies with Federalism implications as that

term is defined in Executive Order 13132.

4. BIS finds that there is good cause under 5 U.S.C. 553(b)(B) to waive the provisions of the Administrative Procedure Act requiring prior notice and the opportunity for public comment because it is unnecessary. These revisions merely clarify the intent of the encryption registration requirement, therefore allowing prior notice and comment on these rules is unnecessary. In addition, BIS finds good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness because this rule merely makes technical changes to the regulations to clarify the intent of the encryption registration requirement. No other law requires that notice of proposed rulemaking and an opportunity for public comment be given for this rule; therefore, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

## List of Subjects

### 15 CFR Part 740

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

### 15 CFR Part 742

Exports, Terrorism.

■ Accordingly, the Bureau of Industry and Security amends its Export Administration Regulations (15 CFR parts 730-774) as follows:

## PART 740 [AMENDED]

■ 1. The authority citations for part 740 continue to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 7201 *et seq.*; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 13, 2009, 74 FR 41325 (August 14, 2009).

■ 2. Section 740.17 is amended by adding a sentence after the first sentence in paragraph (b) introductory text to read as follows:

### § 740.17 Encryption commodities, software and technology (ENC).

\* \* \* \* \*

(b) \* \* \* For items self-classified under paragraph (b)(1) of this section from June 25, 2010 through August 24, 2010, and for requests for classification under paragraphs (b)(2) and (b)(3) of this section submitted from June 25, 2010 through August 24, 2010, exporters have until August 24, 2010 to submit their encryption registrations. \* \* \*

**PART 742 [AMENDED]**

■ 3. The authority citations for part 742 continue to read as follows:

**Authority:** 50 U.S.C. app. 2401 et seq.; 50 U.S.C. 1701 et seq.; 22 U.S.C. 3201 et seq.; 42 U.S.C. 2139a; 22 U.S.C. 7201 et seq.; 22 U.S.C. 7210; Sec 1503, Pub. L. 108 11, 117 Stat. 559; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; 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 23 of May 7, 2003, 68 FR 26459, May 16, 2003; Notice of August 13, 2009, 74 FR 41325 (August 14, 2009); Notice of November 6, 2009, 74 FR 58187 (November 10, 2009).

■ 4. Section 742.15 is amended by adding a sentence after the fourth sentence in paragraph (b) to read as follows:

**§ 742.15 Encryption items.**

\* \* \* \* \*

(b) \* \* \* For items self-classified under paragraph (b)(1) of this section from June 25, 2010 through August 24, 2010, and for requests for classification under paragraph (b)(3) of this section submitted from June 25, 2010 through August 24, 2010, exporters have until

August 24, 2010 to submit their encryption registrations. \* \* \*

Dated: July 21, 2010.

**Bernard Kritzer,**

*Director, Office of Exporter Services.*

[FR Doc. 2010-18360 Filed 7-26-10; 8:45 am]

**BILLING CODE 3510-33-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

[Docket No. USCG-2010-0063]

**Safety Zones; Annual Firework Displays Within the Captain of the Port, Puget Sound Area of Responsibility**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Correction of Notice of Enforcement of Regulation.

**SUMMARY:** On July 1, 2010, the Coast Guard published a document in the **Federal Register**, providing notice of enforcement of a 300-yard safety zone in Dyes Inlet for the Whaling Days event on July 24, 2010. This correction

changes the date for the zone to July 23, 2010. During the enforcement periods, entry into, transit through, mooring, or anchoring within these zones is prohibited unless authorized by the Captain of the Port, Puget Sound or Designated Representative.

**DATES:** This safety zone will be enforced from 5 p.m. on July 23, 2010, to 1 a.m. on July 24, 2010.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call or e-mail LTJG Ashley M. Wanzer, Sector Seattle Waterways Management, Coast Guard; telephone 206-217-6175, *SectorSeattleWWM@uscg.mil*.

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the safety zone listed in 33 CFR 165.1332, Safety Zones; annual firework displays within the Captain of the Port, Puget Sound Area of Responsibility. A previous notice of enforcement, published on July 1, 2010 (75 FR 38021), incorrectly stated that the zone would be enforced on July 24, 2010. This notice provides corrected information.

The following safety zone will be enforced from 5 p.m. on July 23, 2010 through 1 a.m. on July 24, 2010:

Event Name	Location	Latitude	Longitude	Radius
Whaling Days .....	Dyes Inlet .....	47° 38.65' N	122° 41.35' W	300

Dated: July 12, 2010.

**S.W. Bornemann,**

*Captain, U.S. Coast Guard, Captain of the Port, Puget Sound.*

[FR Doc. 2010-18267 Filed 7-23-10; 11:15 am]

**BILLING CODE 9110-04-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

[Docket No. USCG-2010-0622]

**Safety Zone; DEEPWATER HORIZON Response Staging Area in the Vicinity of Shell Beach, Hopedale, LA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The New Orleans Captain of the Port (COTP), under the authority of the Ports and Waterways Safety Act, has established a safety zone requiring no wake on the Mississippi River Gulf Outlet (MRGO) at Mile 42 extending the entire width of the MRGO 500 yards above and 500 yards below the response

staging area. This safety zone is necessary to protect personnel and vessels at the response staging area at Shell Beach in Hopedale, LA in response to the DEEPWATER HORIZON oil spill. Vessels must travel at a safe speed and distance to maintain a no wake zone in this area.

**DATES:** This rule is effective in the CFR from July 27, 2010 until 11:59 p.m. on September 24, 2010. This rule is effective with actual notice for purposes of enforcement beginning June 24, 2010 upon signature. This rule will remain in effect until 11:59 p.m. on September 24, 2010.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2010-0622 and are available online by going to <http://www.regulations.gov>, inserting USCG-2010-0622 in the "Keyword" box, and then clicking "Search." They are also available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590,

between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary rule, call or e-mail Lieutenant Commander (LCDR) Marty Daniels, Sector New Orleans, Coast Guard; telephone 504-565-5044, e-mail *William.M.Daniels@uscg.mil*. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:**

**Regulatory Information**

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a