

the VWP. Accordingly, beginning April 5, 2010, citizens and eligible nationals from Greece may apply for admission to the United States at U.S. ports of entry as nonimmigrant visitors for a period of ninety days or less for business or pleasure without first obtaining a nonimmigrant visa, provided that they are otherwise eligible for admission under applicable statutory and regulatory requirements.

**III. Statutory and Regulatory Requirements**

*A. Administrative Procedure Act*

Under the Administrative Procedure Act (5 U.S.C. 553(b)), an agency may waive the normal notice and comment requirements if it finds, for good cause, that they are impracticable, unnecessary, or contrary to the public interest. The final rule merely lists a country that the Secretary of Homeland Security, in consultation with the Secretary of State, has designated as a VWP eligible country in accordance with 8 U.S.C. 1187(c). This amendment is a technical change simply updating the list of VWP eligible countries. Therefore, notice and comment for this rule are unnecessary and contrary to the public interest because the rule has no substantive impact, is technical in nature, and relates only to management, organization, procedure, and practice. For the same reasons, pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

This final rule is also excluded from the rulemaking provisions of 5 U.S.C. 553 as a foreign affairs function of the United States, because it advances the President's foreign policy goals, involves a bilateral agreement that the United States has entered into with Greece, and directly involves relationships between the United States and its alien visitors. Accordingly, DHS is not required to provide public notice and an opportunity to comment before implementing the requirements under this final rule.

*B. Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA) (5 U.S.C. 603(b)), as amended by the Small Business Regulatory Enforcement and Fairness Act of 1996 (SBREFA), requires an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of a proposed rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions) when the agency is required "to publish a general notice of proposed rulemaking for any proposed rule." Because this rule is being issued

as a final rule, on the grounds set forth above, a regulatory flexibility analysis is not required under the RFA.

DHS has considered the impact of this rule on small entities and has determined that this rule will not have a significant economic impact on a substantial number of small entities. The individual aliens to whom this rule applies are not small entities as that term is defined in 5 U.S.C. 601(6). Accordingly, there is no change expected in any process as a result of this rule that would have a direct effect, either positive or negative, on a small entity.

*C. Unfunded Mandates Reform Act of 1995*

This rule will not 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, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

*D. Executive Order 12866*

This amendment does not meet the criteria for a "significant regulatory action" as specified in Executive Order 12866.

*E. Executive Order 13132*

The rule 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. Therefore, in accordance with section 6 of Executive Order 13132, DHS has determined that this final rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

*F. Executive Order 12988 Civil Justice Reform*

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

**List of Subjects in 8 CFR Part 217**

Air carriers, Aliens, Maritime carriers, Passports and visas.

**Amendments to the Regulations**

■ For the reasons stated in the preamble, DHS amends part 217 of title 8 of the Code of Federal Regulations (8 CFR part 217), as set forth below.

**PART 217—VISA WAIVER PROGRAM**

■ 1. The general authority citation for part 217 continues to read as follows:

**Authority:** 8 U.S.C. 1103, 1187; 8 CFR part 2.

\* \* \* \* \*

■ 2. In section 217.2 the definition of the term "Designated country" in paragraph (a) is revised to read as follows:

**§ 217.2 Eligibility.**

(a) \* \* \*

*Designated country* refers to Andorra, Australia, Austria, Belgium, Brunei, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Norway, Portugal, Republic of Korea, San Marino, Singapore, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom. The United Kingdom refers only to British citizens who have the unrestricted right of permanent abode in the United Kingdom (England, Scotland, Wales, Northern Ireland, the Channel Islands and the Isle of Man); it does not refer to British overseas citizens, British dependent territories' citizens, or citizens of British Commonwealth countries. After May 15, 2003, citizens of Belgium must present a machine-readable passport in order to be granted admission under the Visa Waiver Program.

\* \* \* \* \*

**Janet Napolitano,**  
*Secretary.*

[FR Doc. 2010-7211 Filed 3-30-10; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 73**

[Docket No. FAA-2009-0921; Airspace Docket No. 09-AWA-3]

RIN 2120-AA66

**Revision of Prohibited Area P-49; Crawford, TX**

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

**ACTION:** Final rule.

**SUMMARY:** This action amends Prohibited Area 49 (P-49) Crawford, TX. While the United States Secret Service (USSS) recognizes the ongoing security

requirement for this prohibited area, it considers reducing prohibited airspace area appropriate at this time. This action restores previously prohibited airspace to public use within the National Airspace System.

**DATES:** Effective date 0901 UTC, June 3, 2010.

**FOR FURTHER INFORMATION CONTACT:**

Colby Abbott, Airspace and Rules Group, Office of System Operations Airspace and AIM, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

**SUPPLEMENTARY INFORMATION:**

**History**

On October 5, 2009, the Department of the Treasury, USSS, notified the FAA that while the security requirements for establishing P-49 Crawford, TX (66 FR 16391) remain valid, consideration of a modification of the existing prohibited area was appropriate. After a six-month security review of P-49, the USSS determined the dimensions (boundary and altitude) of the prohibited area could be reduced. This action responds to that notification.

**The Rule**

This action amends Title 14 Code of Federal Regulations (14 CFR) part 73 by revising the legal description for P-49 Crawford, TX. After conducting a security review of P-49, the USSS notified the FAA to reduce the boundary and altitude dimensions of the prohibited area. This action reduces the boundary from a 3 NM radius to a 2 NM radius of lat. 31°34'45" N., 97°32'00" W., and lowers the designated altitude from "Surface to but not including 5,000 feet MSL" to "Surface to but not including 2,000 feet MSL."

Because this action restores previously prohibited airspace to public use, I find that notice and public procedures under 5 U.S.C. 553(b) are unnecessary as it would only delay the return of the airspace to public use.

Section 73.89 of Title 14 CFR part 73 was republished in FAA Order 7400.8S, effective February 16, 2010.

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 prohibited airspace in Crawford, Texas.

**Environmental Review**

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with paragraph 311c, FAA Order 1050.1E, Environmental Impacts: Policies and Procedures. 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 73**

Airspace, Prohibited areas, Restricted areas.

**Adoption of Amendment**

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

**PART 73—SPECIAL USE AIRSPACE**

■ 1. The authority citation for part 73 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.

**§ 73.89 [Amended]**

■ 2. § 73.89 is amended as follows:

\* \* \* \* \*

**P-49 Crawford, TX [Revised]**

Boundaries. That airspace within a 2 NM radius of lat. 31°34'45" N., long. 97°32'00" W. Designated altitudes. Surface to 2,000 feet MSL.

Time of designation. Continuous.  
Using agency. United States Secret Service, Washington, DC.

Issued in Washington, DC, on March 25, 2010.

**Kelly Neubecker,**

*Acting Manager, Airspace and Rules Group.*

[FR Doc. 2010-7242 Filed 3-30-10; 8:45 am]

**BILLING CODE 4910-13-P**

**CONSUMER PRODUCT SAFETY COMMISSION**

**16 CFR Part 1119**

**Civil Penalty Factors**

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Final interpretative rule.

**SUMMARY:** The Consumer Product Safety Improvement Act of 2008 ("CPSIA") requires the Consumer Product Safety Commission ("Commission") to issue a final rule providing its interpretation of the civil penalty factors found in the Consumer Product Safety Act ("CPSA"), the Federal Hazardous Substances Act ("FHSA"), and the Flammable Fabrics Act ("FFA"), as amended by section 217 of the CPSIA. These statutory provisions require the Commission to consider certain factors in determining the amount of any civil penalty to seek. The Commission published an interim final rule on September 1, 2009, providing its interpretation of the statutory factors and seeking public comment. The Commission is now issuing a final rule interpreting the statutory factors.

**DATES:** This rule is effective March 31, 2010.

**FOR FURTHER INFORMATION CONTACT:**

Melissa V. Hampshire, Assistant General Counsel, Division of Enforcement and Information, Office of the General Counsel, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, Maryland 20814, telephone: 301-504-7631, e-mail: [mhampshire@cpsc.gov](mailto:mhampshire@cpsc.gov).

**SUPPLEMENTARY INFORMATION:**

**A. Background**

The CPSIA specified that the Commission, by August 14, 2009, issue a final regulation providing its interpretation of civil penalty factors in section 20(b) of the CPSA, section 5(c)(3) of the FHSA, and section 5(e)(2) of the FFA.<sup>1</sup> The Commission issued an

<sup>1</sup> The Commission voted 4-1 to approve the Final Rule as amended. Chairman Tenenbaum, Commissioner Nord, Commissioner Adler, and Moore voted to approve the final rule as amended.