

will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. Unless written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Interested parties are invited to participate in this rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2003-16763/Airspace Docket No. 03-ACE-100." The postcard will be date/time stamped and returned to the commenter.

Agency Findings

The regulations adopted herein will not have a substantial direct effect 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, it is determined that this final rule does not

have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that 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) if promulgated, will not have a significant economic impact, positive or negative, 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

Accordingly, 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 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 7400.9L, dated September 2, 2003, and effective September 16, 2003, is amended as follows:

* * * * *

Paragraph 6003 Class E airspace areas designated as an extension.

The Class E airspace area listed below consists of airspace extending upward from the surface designated as an extension to a Class C surface area.

* * * * *

ACE MO E3 Springfield, MO

Springfield-Branson Regional Airport, MO (Lat. 37°14'44" N., long. 93°23'19" W.)
Springfield VORTAC (Lat. 37°21'21" N., long. 93°20'03" W.)

That airspace extending upward from the surface within 1.8 miles west and 2.2 miles east of the Springfield VORTAC 200° radial extending from the 5-mile radius of Springfield-Branson Regional Airport to the VORTAC.

* * * * *

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ACE MO E5 Springfield, MO

Springfield-Branson Regional Airport, MO (Lat. 37°14'44" N., long. 93°23'19" W.)
Springfield VORTAC (Lat. 37°21'21" N., long. 93°20'03" W.)
Springfield-Branson Regional Localizer (Lat. 37°15'21" N., long. 93°22'45" W.)
Willard NDB (Lat. 37°17'58" N., long. 93°26'27" W.)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of Springfield-Branson Regional Airport and within 3 miles each side of the 020° radial of the Springfield VORTAC extending from the 6.9-mile radius of the airport to 8 miles north of the VORTAC and within 1.8 miles each side of the 324° bearing from the Willard NDB extending from the 6.9-mile radius of the airport to 7 miles northwest of the NDB and within 4 miles each side of the Springfield-Branson ILS localizer south course extending from the 6.9-mile radius of the airport to 14.5 miles south of the airport.

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Issued in Kansas City, MO, on January 5, 2004.

Elizabeth S. Wallis,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 04-917 Filed 1-14-04; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2003-16497; Airspace Docket No. 03-ACE-81]

Modification of Class E Airspace; Milford, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of the direct final rule which revises Class E airspace at Milford, IA.

EFFECTIVE DATE: 0901 UTC, February 19, 2004.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE-520C DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329-2525.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a

request for comments in the **Federal Register** on November 28, 2003 (68 FR 66700). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on February 19, 2004. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO on January 5, 2004.

Elizabeth S. Wallis,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 04-918 Filed 1-14-04; 8:45 am]

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DEPARTMENT OF JUSTICE

Office of Justice Programs

28 CFR Part 91

[OJP(OJP)-Docket No. 1099F]

RIN 1121-AA41

Grants for Correctional Facilities on Tribal Lands Program

AGENCY: Office of Justice Programs, Justice.

ACTION: Second interim rule with request for comments.

SUMMARY: The Office of Justice Programs is issuing this second interim rule to update and further clarify what the Bureau of Justice Assistance considers to be an eligible "Indian tribe" and what is considered to be "construction," under the Grants for Correctional Facilities on Tribal Lands Program.

DATES: This rule will become effective February 17, 2004. All comments must be received by March 15, 2004.

ADDRESSES: Interested persons are invited to submit comments regarding this rule, by U.S. mail, to Renee Giger, Bureau of Justice Assistance, Office of Justice Programs, 810 Seventh Street, NW., Washington, DC 20531; and by electronic mail, to: gigerr@ojp.usdoj.gov. Communications should refer to the above docket number and title.

FOR FURTHER INFORMATION CONTACT: Phillip Merkle, Senior Policy Advisor, Bureau of Justice Assistance, Office of Justice Programs, 810 Seventh Street,

NW., Washington, DC 20531; Telephone: (202) 305-2550. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Background

The Bureau of Justice Assistance (BJA) in the Office of Justice Programs (OJP) administers several major grant programs and provides technical assistance to state, local, and tribal governments to help them with the implementation of the 1994 Crime Act's corrections-related programs. One of these programs is the Grants for Correctional Facilities on Tribal Lands Program. This program provides funding for the construction of correctional facilities on tribal lands for the incarceration of offenders subject to tribal jurisdiction.

Grant funds may not be used for the purchase of land or for the costs associated with the operation of the correctional facility.

History of This Rulemaking

On September 24, 1996, OJP published an interim rule (at 61 FR 49969), amending 28 CFR Part 91, Subpart C, Grants for Correctional Facilities, to implement the Violent Offender Incarceration and Truth-In-Sentencing Grants Program for Indian Tribes, as required by section 114 of the Fiscal Year 1996 Omnibus Consolidated Rescissions and Appropriations Act. Section 114 amended the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 13701 *et seq.*, to authorize a reservation of funds for the specific purpose of allowing the Attorney General to make discretionary grants to Indian tribes.

Since the publication of the 1996 interim rule, OJP has received requests for further clarification of certain terms. Accordingly, OJP is now issuing this second interim rule, revising Subpart C to update and clarify what is an eligible "Indian tribe" and what is considered "construction" under this program.

Regulatory Certifications

Administrative Procedure Act 5 U.S.C. 553

Because this rule makes only technical clarifications to a previously published interim rule, and imposes no new restrictions, the Department of Justice finds good cause for exempting it from the provision of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rule-making, and the 60-day period required for public comment. For the same reasons, a delay in the effective date of

these changes would be unnecessary and contrary to the public interest.

Executive Order 12866

This regulation has been written and reviewed in accordance with Executive Order 12866, Sec. 1(b), Principles of Regulation. OJP has determined that this rule is not a "significant regulatory action" under Executive Order 12866, Sec. 3(f), Regulatory Planning and Review, and accordingly this rule has not been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

OJP, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact upon a substantial number of small entities because the economic impact is limited to OJP's appropriated funds.

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 \$100,000,000 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.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by Sec. 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in cost or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Paperwork Reduction Act

No new collection of information requirements as defined under the Paperwork Reduction Act (44 U.S.C. 3504(h)) are being added by this regulation.

Environmental Impact

OJP has evaluated this rule in accordance with its procedures for ensuring full consideration of the potential environmental impacts of OJP's actions, as required by the National Environmental Policy Act (42