after and in response to the closure of the Chicago Meigs Airport.

In response to those commenters expressing concern regarding the lack of controlled airspace after the revocation of the existing Class D airspace area, it should be noted that there will be Class E airspace area (which is controlled airspace) extending from 700 feet above the ground to the base of the overlying Chicago, IL Class B Airspace Area in the same area. Air traffic control services will remain available to aircraft operating in this area. These services include safety alerts, traffic advisories, and limited radar vectoring when requested by the pilot. This is the same level of service that has been available on a daily basis since the airport and ATCT closure and is similar to the service available prior to the airport closure during the hours when the Meigs ATCT was closed.

The Rule

This amendment to 14 CFR part 71 revokes the Class D airspace area at Chicago, IL, for the former Merrill C. Meigs Airport. As a result, the existing Class E airspace area will be in effect on a continuous basis. A Class D airspace area extending upward from the surface of the earth is no longer needed because the airport and ATCT have been 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. Therefore this, proposed regulation—(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).

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 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

§ 71.1 Amended

■ 2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9L, Airspace Designations and Reporting Points, dated September 2, 2003, and effective September 16, 2003, is amended as follows:

* * * * *

Paragraph 5000—Class D airspace

* * * * *

AGL IL D Chicago, IL [Removed]

* * * * *

Issued in Des Plaines, Illinois on March 04, 2004.

Nancy B. Shelton,

Manager, Air Traffic Division, Great Lakes Region.

[FR Doc. 04–6861 Filed 3–25–04; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2004–16989; Airspace Docket No. 04–ACE–7]

Modification of Class E Airspace; Hays, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments; correction.

SUMMARY: This action corrects a direct final rule; request for comments that was published in the **Federal Register** on Friday, March 5, 2004, (69 FR 10330) [FR Doc. 04–5026]. It corrects an erroneously cited reference.

DATES: This direct final rule is effective on 0901 UTC, June 10, 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:

History

Federal Register document 04–5026, published on Friday, March 5, 2004, (69 FR 10330) modified Class E2 and Class E5 airspace areas at Hays, KS. The modification corrected discrepancies in the Hays Regional Airport airport reference point, expanded the areas by .1 mile, redefined the extensions to the airspace areas and brought the legal descriptions of Hays, KS Class E airspace areas into compliance with FAA Order 7400.2E, Procedures for Handling Airspace Matters. However, the date and effective date of cited FAA Order 7400.9L, Airspace Designations and Reporting Points, was published incorrectly.

■ Accordingly, pursuant to the authority delegated to me, the date and effective date of cited FAA Order 7400.9L, as published in the **Federal Register** on Friday, March 5, 2004, (69 FR 10330) [FR Doc. 04–5026] is corrected as follows:

§ 71.1 [Corrected]

■ On page 10331, Column 1, paragraph headed ''§ 71.1 [Amended],'' fourth line and fifth line, change ''August 30, 2002, and effective September 16, 2002, is amended as'' to read ''September 2, 2003, and effective September 16, 2003, is amended as.''

Issued in Kansas City, MO, on March 9, 2004.

Paul J. Sheridan,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 04–6751 Filed 3–25–04; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 177

[Docket No. 1996F–0176]

Indirect Food Additives: Polymers; Technical Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending its food additive regulations to correctly reflect all materials that are permitted for use as films/layers of laminated articles intended for use with food. The current requirements for polymer films/layers are incomplete due to an inadvertent error. This document is

editorial in nature and amends the regulations to correct this error.

DATES: This rule is effective March 26, 2004. Submit written or electronic comments by April 26, 2004.

ADDRESSES: Submit written comments to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dockets/ecomments*.

FOR FURTHER INFORMATION CONTACT: Joyce A. Strong, Office of Policy and Planning (HF–27), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–7010.

SUPPLEMENTARY INFORMATION:

I. Background

FDA has discovered that an error has become incorporated into the agency's regulations in part 177 (21 CFR part 177). In the **Federal Register** of August 25, 1999 (64 FR 46271), FDA published a final rule with an inadvertent error. In this final rule, § 177.1390 was amended, and existing paragraph (c)(1)(i)(*f*) was not redesignated as paragraph (c)(1)(i)(*g*). Because § 177.1390(c)(1)(i)(*g*) was not added to the agency's regulations, the regulations are incorrect. Accordingly, § 177.1390 is being amended to correct this error.

To the extent that 5 U.S.C. 553 applies to this action, the agency's implementation of this action without opportunity for public comment comes within the good cause exception in 5 U.S.C. 553(b)(3)(B) in that obtaining public comment is impracticable, unnecessary, and contrary to public interest. This amendment to the food additive regulations corrects an inadvertent omission in the Code of Federal Regulations (CFR). The purpose of this final rule is to update the regulations in part 177 to correctly reflect all materials that are permitted for use as films/layers of laminated articles intended for use with food. In accordance with 21 CFR 10.40(e)(1), FDA is providing an opportunity for comment on whether the regulation should be subsequently modified or revoked.

II. Analysis of Impacts

FDA has examined the impacts of the final rule under Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). Under the Regulatory Flexibility Act, if a rule has a significant economic impact on a substantial number of small entities, an agency must analyze regulatory options that would minimize any significant impact of the rule on small entities. Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires that agencies prepare a written statement of anticipated costs and benefits before proposing any rule that may result in an expenditure in any one year by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million(adjusted annually for inflation).

The agency concludes that this final rule is consistent with the principles set out in Executive Order 12866 and in these two statutes. FDA has determined that the final rule is not a significant regulatory action as defined by the Executive order and so is not subject to review under the Executive order.

The Unfunded Mandates Reform Act of 1995 does not require FDA to prepare a statement of costs and benefits for this final rule, because the final rule is not expected to result in any 1-year expenditure that would exceed $100 million adjusted for inflation. The current inflation adjusted statutory threshold is $112.3 million.

The purpose of this final rule is to update the regulations in part 177 to correctly reflect all materials that are permitted for use as films/layers of laminated articles intended for use with food. Because this rule simply adds an additional permitted use that was inadvertently omitted from § 177.1390, this rule does not impose any additional costs on industry. Consequently, the agency certifies that this final rule will not have a significant economic impact on a substantial number of small entities. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

III. Paperwork Reduction Act of 1995

The final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

IV. Environmental Impact

The agency has determined under 21 CFR 25.30(i) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

V. Federalism

FDA has analyzed this final rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the rule does not contain policies that 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. Accordingly, the agency has concluded that the rule does not contain policies that have federalism implications as defined in the Executive order and, consequently, a federalism summary impact statement is not required.

VI. Opportunity for Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding this document. Submit a single copy of electronic comments to *http://www.fda.gov/dockets/ecomments* or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 177

Food additives, Food packaging.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 177 is amended as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

■ 1. The authority citation for 21 CFR part 177 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348, 379e.

■ 2. Section 177.1390 is amended by adding paragraph (c)(1)(i)(*g*) to read as follows:

§ 177.1390 Laminate structures for use at temperatures of 250 °F and above.

* * * * *

(c) * * *

(1) * * *

(i) * * *

(*g*) Polymeric resins that comply with an applicable regulation in this chapter which permits food type and time/temperature conditions to which the

container will be exposed, including sterilization processing.

* * * * *

Dated: March 18, 2004.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 04–6738 Filed 3–25–04; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF STATE

22 CFR Part 51

[Public Notice 4619]

RIN 1400–ZA05

Passport Procedures—Amendment to Passport Regulations

AGENCY: State Department.

ACTION: Interim final rule.

SUMMARY: The interim final rule clarifies that passports that are revoked, or reported lost or stolen, are invalid. The interim final rule also requires the personal appearance of all passport applicants who are not eligible to apply by mail. It also requires that minors under 14 years of age appear in person unless such appearance has been specifically waived. Finally, the interim final rule requires that applicants for United States passports provide photographs in accordance with the instructions printed on the passport application.

DATES: This interim final rule is effective on the date of publication. Written comments must be received no later than April 26, 2004.

ADDRESSES: Written comments should be addressed to: Chief, Legal Division, Office of Passport Policy, Planning and Advisory Services, 2100 Pennsylvania Ave., NW., 3rd Floor, Washington, DC 20037. E-mail for comments: *PassportRules@state.gov* or submit your comments through the Web site at *http://www.regulations.gov/*.

FOR FURTHER INFORMATION CONTACT: Sharon Palmer-Royston, Office of Passport Policy, Planning and Advisory Services, Bureau of Consular Affairs, Department of State (202) 663–2662; Fax (202) 663–2654.

SUPPLEMENTARY INFORMATION: Section 1101(a)(30) of Title 8, United States Code (U.S.C.), defines a passport as any travel document issued by a competent authority showing the bearer's origin, identity and nationality, which is valid for the admission of the bearer into a foreign country. Section 1185(b) of Title 8, U.S.C., requires U.S. citizens to bear a valid U.S. passport to enter or depart the United States unless specifically exempted—exemptions are provided in 22 CFR 53.2. The Secretary of State has sole authority to grant and issue passports, pursuant to 22 U.S.C. 211a. Before a passport is issued to any person by or under authority of the United States, such person shall subscribe to and submit a written application, as required by 22 U.S.C. 213. During its period of validity, a passport (when issued for the maximum period authorized by law) is a document establishing proof of United States citizenship, pursuant to 22 U.S.C. 2705; and, 22 CFR 51.2(b) provides that unless authorized by the Department no person shall bear more than one valid or potentially valid U.S. passport at any one time; and, 8 U.S.C. 1504 authorizes the Secretary of State to cancel a passport if it was obtained illegally, fraudulently or erroneously.

Reporting Lost or Stolen Passports

Section 51.4 of Title 22, Code of Federal Regulations (CFR), governs the validity of passports. The interim final rule amends § 51.4 by adding a new paragraph (h) providing that a passport is invalid if formally revoked by the Department; or registered by the Department as lost or stolen when reported in writing or by telephone to the Department of State, or in writing as part of the passport application process at a passport agency, or a diplomatic or consular post abroad.

The effect of this change is to forestall the use of passports that have been revoked or reported as lost or stolen for illegal entry into the United States or at international ports of entry in other countries. This means that whenever a person has reported to the Department that his or her passport is lost or stolen, and the Department has registered the passport as invalid, the passport will not be usable for travel purposes if it is later recovered. The Department considers the promulgation of this regulatory provision as a matter of urgency to bolster border security by preventing the misuse of a lost or stolen United States passport.

Photographs

Section 51.25(a) of Title 22, Code of Federal Regulations (CFR), requires the applicant for a United States passport to submit with his or her application duplicate photographs of the size specified in the application. Section 51.25(a) further requires that the photographs should be sufficiently recent to be a good likeness of and satisfactorily identify the applicant. The interim final rule provides flexibility to determine what specifications of the photographs may be defined in the future, if determined to be necessary for proper facial identification and technological compatibility. The interim final rule amends the first sentence in § 51.25(a) simply to require submission of photographs as specified in the passport application.

Since 1914, passport applicants have been required to provide photographs to be included in their passports. As an identity document, a passport is intended to provide proof that the person named therein is the very same as the bearer alleges himself or herself to be. A passport without a photograph cannot adequately prove the bearer's identity. Any future changes in the photograph requirement would conform to agreed international practice to improve the accuracy of automated face recognition.

Personal Appearance of Minors

Section 51.21 of Title 22, Code of Federal Regulations (CFR), governs the execution of passport applications in general, and § 51.27 governs the execution of passport applications for minors. The interim final rule amends §§ 51.21 and 51.27 to require the personal appearance when applying for a passport of all persons, including minors under 14 years of age, ineligible to apply for a passport by mail under 51.21(c) and (d), except as waived under 51.27(b)(2)(i). Section 51.27(b)(2) is amended by inserting a new paragraph (i) that requires all minors under 14 years of age applying for passports to appear in person, with limited provisions for waiver. This new requirement will enhance accurate identification of all applicants and is an important step to prevent the possible misuse of a passport in facilitating international child abduction.

The Department considers the enactment of this rule as a matter of urgency to strengthen fraud prevention with respect to individuals, especially minors whose personal appearance during the passport application process has been generally waived in the past. In this regard, this new requirement reflects the findings and recommendation of the Department's Office of the Inspector General: Review of the Domestic Passport Operations, Phase II Fraud Prevention Programs Report number ISP–CA–03–25, December 2002, recommendation 4.

Further, members of Congress had expressed strong interest in providing a statutory and regulatory provision for this purpose, and the Department informed Congress that this rule would be established to protect minors under 14 years of age on an urgent basis.