

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-2005-20061/Airspace Docket No. 05-ACE-3." 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 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 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.

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 since it contains aircraft executing instrument approach procedures to Air Park South Airport.

#### 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 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 7400.9M, dated August 30, 2004, and effective September 16, 2004, is amended as follows:

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

\* \* \* \* \*

#### **ACE MO E5 Ozark, MO**

Ozark, Air Park South Airport, MO  
(Lat. 37°03'34" N., long. 93°14'03" W.)  
Springfield VORTAC

(Lat. 37°21'21" N., long. 93°20'03" W.)  
That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of Air Park South Airport and within 2 miles each side of the Springfield VORTAC 165° radial extending from the 6.8-mile radius of the airport to 10 miles south of the VORTAC.

\* \* \* \* \*

Issued in Kansas City, MO, on January 25, 2005.

**Elizabeth S. Wallis,**

*Acting Area Director, Western Flight Services Operations.*

[FR Doc. 05-2554 Filed 2-9-05; 8:45 am]

**BILLING CODE 4910-13-M**

#### **DEPARTMENT OF COMMERCE**

#### **National Oceanic and Atmospheric Administration**

#### **15 CFR Part 902 and 50 CFR Part 660**

[Docket No. 031125294-5018-03; I.D. 102903C]

**RIN 0648-AP42**

#### **Fisheries Off West Coast States and in the Western Pacific; Highly Migratory Species Fisheries; Data Collection Requirements for U.S. Commercial and Recreational Charter Fishing Vessels**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule; effectiveness of collection-of-information requirements.

**SUMMARY:** NMFS announces approval by the Office of Management and Budget (OMB) of collection-of-information requirements pertaining to permits, logbooks, vessel monitoring systems (VMS), and pre-trip notifications contained in the final rule to implement the approved portions of the U.S. West Coast Highly Migratory Species Fishery Management Plan (HMS FMP). The HMS FMP was partially approved on February 4, 2004, and the final rule to implement the approved portions of the HMS FMP was published in the **Federal Register** on April 7, 2004. At that time, the HMS FMP final rule contained collection-of-information requirements subject to the Paperwork Reduction Act (PRA) that were undergoing OMB review. This action announces receipt of OMB approval of data collections in the HMS FMP final rule for HMS permits, recordkeeping and reporting (daily logbooks), VMS, and pre-trip notification requirements for West Coast based U.S. fishing vessels targeting HMS. The intent of this notice is to inform the public of the effective date of the requirements approved by OMB.

**DATES:** This rule is effective February 10, 2005. Title 50 § 660.707 permits, § 660.708 reporting and recordkeeping, § 660.712(d) VMS, and § 660.712(f) pre-trip notification of the final rule for the U.S. West Coast Highly Migratory Species Fishery Management Plan

published on April 7, 2004 (69 FR 18444), are effective on April 11, 2005.

**ADDRESSES:** Copies of the HMS FMP may be obtained from Donald O. McIsaac, Executive Director, Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220-1384. Copies of the HMS FMP final rule, the Final Environmental Impact Statement (FEIS), the Final Regulatory Impact Review (RIR), and the Final Regulatory Flexibility Analysis (FRFA) are available from NMFS, Southwest Regional Office, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802. Copies of the Small Entity Compliance Guide for the HMS FMP final rule are available on the Southwest Region, NMFS website <http://swr.nmfs.noaa.gov>. Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule should be submitted to Rodney A. McInnis, Regional Administrator, NMFS, Southwest Regional Office at the above address. These comments may also be submitted by e-mail to [David\\_Rostker@omb.eop.gov](mailto:David_Rostker@omb.eop.gov), or to the Federal e-rulemaking portal <http://www.regulations.gov>, or faxed to 202-395-7285.

**FOR FURTHER INFORMATION CONTACT:** Craig Heberer, Sustainable Fisheries Division, Southwest Region, NMFS, 562-980-4034 or 760-431-9440, ext. 303.

**SUPPLEMENTARY INFORMATION:** On April 7, 2004 (69 FR 18444), NMFS published a final rule that implemented the approved portion of the HMS FMP establishing, among other measures, data collection and reporting requirements for U.S. West Coast commercial and recreational charter fishing vessels targeting HMS. The HMS FMP final rule contained collection-of-information requirements that could not be enforced prior to approval by the OMB under the PRA. Delayed enforcement of these sections were announced in the April 7, 2004, HMS FMP final rule pending OMB approval of the proposed collections-of-information. In the HMS FMP final rule, NMFS requested comments on the reporting burden estimate or any other aspect of the collection-of-information requirements. No comments were received on the collection-of-information requirements. OMB has approved the collections-of-information requirements codified at 50 CFR 660.707 for permits; § 660.708 for recordkeeping and reporting; § 660.712(d) for a vessel monitoring system, and § 660.712(f) for pre-trip

notification. These sections are effective April 11, 2005 and will be enforced beginning on that date. Section 660.707 requires a HMS permit with an endorsement for a specific gear for all commercial and recreational charter fishing vessels fishing for HMS. Section 660.708 requires all HMS permit holders to maintain and submit to NMFS a daily logbook of catch and effort in the HMS fisheries. Section 660.712(d) requires the holder of a HMS permit registered for use of longline gear to carry a vessel monitoring system (VMS) onboard the vessel after the date scheduled for installation by the NMFS. Section 660.712(f) requires that an operator of a vessel registered for use of longline gear must notify NMFS at least 24 hours prior to embarking on a fishing trip regardless of the intended area of fishing. The OMB has not yet cleared the vessel identification requirements detailed in 50 CFR 660.704, and those requirements will be dealt with in a future **Federal Register** document. Pursuant to the PRA, part 902 of title 15 CFR displays control numbers assigned to NMFS information collection requirements by OMB. This part fulfills the requirements of section 3506(c)(1)(B)(i) of the PRA, which requires that agencies display a current control number, assigned by the Director of OMB, for each agency information collection requirement. This final rule codifies OMB control numbers for 0648-0204 for § 660.707 and 0648-0498 for §§ 660.708, 660.712(d), and 660.712(f).

#### Classification

The Regional Administrator, NMFS, Southwest Region determined that the data collection requirements implemented by this final rule are necessary for the conservation and management of the U.S. West Coast HMS fisheries and are consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable law.

The data collection requirements implemented by this final rule have been determined to be not significant for purposes of Executive Order 12866.

NMFS, pursuant to section 604 of the Regulatory Flexibility Act (RFA), prepared a FRFA in support of the HMS FMP final rule published April 7, 2004. The FRFA described the economic impact that this final rule, along with other non-preferred alternatives, will have on small entities, including HMS commercial and recreational charter fishing vessels affected by this action. The contents of the FRFA and the incorporated documents (the IRFA, the RIR, and the FEIS) are not repeated here.

A copy of these documents is available upon request (see **ADDRESSES**).

Under this HMS FMP final rule there will be no Federal fee borne by the fishing industry for the required HMS permit. Industry costs arise from the time required to recover the necessary information and complete the permit forms. The permit requirement under this final rule will establish an initial one-time reporting burden of 562.9 hours for the 1,337 participating vessels (an average of 0.42 hours/per vessel). Permits are valid for 2 years, so the additional annualized burden is 281.5 hours for initial permit issuance.

This final rule requires all surface hook and line fishing vessels targeting HMS to maintain and submit logbooks for fishing in the U.S. EEZ and on the adjacent high seas areas covered under the HSFCA if they do not already submit logbooks under another regulation. This final rule establishes an annual reporting burden of 2,661 hours for the 887 participating vessels (887 vessels x 3 trips per year x 1 hour per trip to report).

For VMS, the reporting burden for the longline fleet is estimated to be 324.6 hours based on 20 longline vessels making 6 trips each year, with an average of 15 days at sea for each trip (24 reports/day x 24 sec/report).

This final rule contains new collection-of-information requirements approved by OMB under the PRA. Public reporting burden for these collections of information are estimated to average as follows:

1. Twenty to thirty five minutes for a permit application depending on the extent of correction of information on application forms and of new information to be submitted on those forms,
2. Five minutes for filling out the HMS log each day,
3. Five minutes for a pre-trip notification by longline vessel operators,
4. Four hours for installation of a VMS on longline vessels,
5. Two hours for maintenance of the VMS system,
6. Twenty four seconds for each electronic report submitted via the satellite based VMS.

These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection information. Public comment is sought regarding: whether this collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate;

ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments or any other aspects of the collections of information to NMFS (see **ADDRESSES**).

Notwithstanding any other provisions of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

#### Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as "small entity compliance guides." The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a small entity compliance guide was prepared for the HMS FMP final rule. This guide will be posted on the NMFS SWR website (<http://swr.nmfs.noaa.gov>) and a hard copy will be sent to all interested parties upon request (see **FOR FURTHER INFORMATION CONTACT**).

#### List of Subjects

##### 15 CFR Part 902

Reporting and recordkeeping requirements.

##### 50 CFR Part 660

Permits and Reporting and recordkeeping requirements.

Dated: February 4, 2005.

**Rebecca Lent,**

*Deputy Assistant Administrator or Regulatory Programs, National Marine Fisheries Service.*

■ For the reasons set out in the preamble, 15 CFR chapter IX, Part 902, is amended as follows:

#### 15 CFR Chapter IX

#### PART 902—NOAA INFORMATION COLLECTION REQUIREMENTS UNDER THE PAPERWORK REDUCTION ACT: OMB CONTROL NUMBERS

■ 1. The authority citation for part 902 continues to read as follows:

**Authority:** 44 U.S.C. 3501 *et seq.*

■ 2. In § 902.1, the table in paragraph (b) under 50 CFR is amended by adding in numerical order entries for § 660.707, 660.708, and 660.712(d) and (f) as follows:

#### § 902.1 OMB Control numbers assigned pursuant to the Paperwork Reduction Act.

* * * * *				
(b) * * *				
CFR part or section where the information collection requirement is located				Current OMB control number (All numbers begin with 0648-)
* * * *	* * * *			
50 CFR	*	*	*	*
660.707				-0204
660.708				-0498
660.712(d) and (f)	*	*	*	-0498
* * * *	* * * *			

[FR Doc. 05-2531 Filed 2-9-05; 8:45 am]

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#### DEPARTMENT OF HOMELAND SECURITY

##### Coast Guard

##### 33 CFR Part 117

[CGD01-05-008]

#### Drawbridge Operation Regulations: Long Island, New York Inland Waterway From East Rockaway Inlet to Shinnecock Canal, NY

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation.

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations governing the operation of the Long Beach Bridge, at mile 4.7, across Reynolds Channel New York. This temporary deviation allows the bridge to remain in the closed position from February 21, 2005 through February 27, 2005. This temporary deviation is necessary to facilitate scheduled bridge maintenance.

**DATES:** This temporary deviation is effective from February 21, 2005 through February 27, 2005.

**FOR FURTHER INFORMATION CONTACT:** Judy Leung-Yee, Project Officer, First Coast Guard District, at (212) 668-7165.

**SUPPLEMENTARY INFORMATION:** The Long Beach Bridge has a vertical clearance of

20 feet at mean high water and 24 feet at mean low water. The existing regulations are listed at 33 CFR 117.799(g).

The bridge owner, Nassau County Department of Public Works, requested a temporary deviation for the Long Beach Bridge to facilitate scheduled maintenance repairs, gear rack repairs, at the bridge.

Under this temporary deviation the Long Beach Bridge need not open for vessel traffic from February 21, 2005 through February 27, 2005.

This deviation from the operating regulations is authorized under 33 CFR 117.35, and will be performed with all due speed in order to return the bridge to normal operation as soon as possible.

Dated: January 31, 2005.

**Gary Kassof,**

*Bridge Program Manager, First Coast Guard District.*

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**BILLING CODE 4910-15-P**

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 52

[WV100-6030; FRL-7861-3]

#### Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Revised Format of 40 CFR Part 52 for Materials Being Incorporated by Reference

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

**ACTION:** Final rule; notice of administrative change.

**SUMMARY:** EPA is revising the format for materials submitted by West Virginia that are incorporated by reference (IBR) into its State implementation plan (SIP). The regulations affected by this format change have all been previously submitted by West Virginia and approved by EPA. This format revision will primarily affect the "Identification of plan" section, as well as the format of the SIP materials that will be available for public inspection at the National Archives and Records Administration (NARA), the Air and Radiation Docket and Information Center located at EPA Headquarters in Washington, DC, and the EPA Regional Office. EPA is also adding a table in the "Identification of plan" section which summarizes the approval actions that EPA has taken on the non-regulatory and quasi-regulatory portions of the West Virginia SIP.