

observing central time. We consulted with a variety of State, local, tribal, and federal officials to confirm the local observance and ask whether a hearing would be helpful in this case. Almost all believed that it would not.

This final rule makes the proposed change. It is effective during the next changeover from daylight saving time to standard time, which is October 26, 2003. We find good cause to make this effective with less than 30 days notice because the final rule merely conforms the regulation to the longstanding and almost universal time observance in the area.

Impact on Observance of Daylight Saving Time

This rule does not directly affect the observance of daylight saving time. Under the Uniform Time Act of 1966, as amended, the standard time of each time zone in the United States is advanced one hour from 2 a.m. on the first Sunday in April until 2 a.m. on the last Sunday in October, except in any State that has, by law, exempted itself from this observance.

Regulatory Analysis & Notices

This final rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Transportation (44 FR 11040; February 26, 1979). We expect the economic impact of this final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The rule primarily affects the convenience of individuals in scheduling activities. By itself, it imposes no direct costs. Its impact is localized in nature.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this final rule will have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations, and governmental jurisdictions with populations of less than 50,000. This final rule will primarily affect individuals and their scheduling of activities. Although it will affect some small businesses, not-for-

profits and, perhaps, several small governmental jurisdictions, it will not be a substantial number. In addition, the change should have little, if any, economic impact. Therefore, the Office of the Secretary certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final rule does not require any new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

We have analyzed this final rule under E.O. 12612 and have determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) and E.O. 12875, Enhancing the Intergovernmental Partnership, (58 FR 58093, October 28, 1993) govern the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This final rule will not impose an unfunded mandate.

Taking of Private Property

This final rule will not effect a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This final rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this final rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

This rulemaking is not a major Federal action significantly affecting the

quality of the human environment under the National Environmental Policy Act and, therefore, an environmental impact statement is not required.

Consultation and Coordination With Indian Tribal Governments

E.O. 13175 provides that government agencies consult with tribes on issues that impact the Indian community. The Department has consulted with the Rosebud Sioux Tribal Council and has informed them of this action.

List of Subjects in Part 71

Time zones.

■ For the reasons discussed above, the Office of the Secretary revises title 49 part 71 to read as follows:

PART 71—[AMENDED]

■ 1. The authority citation for part 71 continues to read:

Authority: Secs. 1–4, 40 Stat. 450, as amended; sec. 1, 41 Stat. 1446, as amended; secs. 2–7, 80 Stat. 107, as amended; 100 Stat. 764; Act of Mar. 19, 1918, as amended by the Uniform Time Act of 1966 and Pub. L. 97–449, 15 U.S.C. 260–267; Pub. L. 99–359; Pub. L. 106–564. 15 U.S.C. 263, 114 Stat. 281149 CFR 159(a), unless otherwise noted.

■ 2. Paragraph (b) of § 71.7, Boundary line between central and mountain zones, is revised to read as follows:

§ 71.7 Boundary line between central and mountain zones.

* * * * *

(b) South Dakota. From the junction of the North Dakota-South Dakota boundary with the Missouri River southerly along the main channel of that river to the crossing of the original Chicago & North Western Railway near Pierre; thence southwesterly to the northern boundary of Jones County at the northeast corner of the NE 1, Sec. 6, T. 2 N., R. 30 E.; thence west along the northern boundary of Jones County; thence south along the western boundaries of Jones, Mellette and Todd Counties to the South Dakota-Nebraska boundary.

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Issued in Washington, DC on October 21, 2003.

Norman Y. Mineta,

Secretary.

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 660****[Docket No. 0330612150-3214-02; 102003A]****Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Closure of the Fishery for Pacific Sardine North of Pt. Arena, California**

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

ACTION: Closure of the fishery for Pacific sardine north of Pt. Arena, California.

SUMMARY: NMFS announces the closure of the fishery for Pacific sardine in the exclusive economic zone off the Pacific Coast north of Pt. Arena, California (39° 00' N. lat.) at 12:01 a.m. local time (l.t.) on October 17, 2003. The purpose of this action is to comply with the allocation procedures mandated by the Coastal Pelagic Species Fishery Management Plan (FMP).

DATES: Effective 12:01 a.m. l.t., October 24, 2003 through December 31, 2003.

ADDRESSES: The data that was used as the basis for this action is available for public inspection at the Office of the

Acting Regional Administrator, Rodney R. McInnis, Southwest Region, NMFS, 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213.

FOR FURTHER INFORMATION CONTACT: Svein Fougner, Southwest Region, NMFS, (562) 980-4040.

SUPPLEMENTARY INFORMATION: On September 9, 2003 (68 FR 53053), NMFS announced the reallocation of the remaining Pacific sardine harvest guideline in the exclusive economic zone off the Pacific Coast. An estimated 59,508 metric tons (mt) of the 110,908 mt harvest guideline was expected to remain unharvested on September 1, 2003. In accordance with the allocation procedures contained in the FMP, 80 percent of the 59,508 mt was allocated to Subarea B south of Pt. Arena, CA (47,606 mt) and 20 percent was allocated to Subarea A north of Pt. Arena, CA (11,902 mt). The allocation to Subarea A of 11,902 mt was reached on October 17, 2003. According to the allocation procedures in the FMP, the fishery may reopen on December 1, 2003, if any portion of the Subarea B allocation is unharvested at that time.

For the reasons stated here and in accordance with the FMP and its implementing regulations at 50 CFR 660.508, the fishery for Pacific sardine north of Pt. Arena, CA was closed at 12:01 a.m. October 17, 2003. If any of

the sardine allocation to Subarea B south of Pt. Arena remains unharvested on December 1, 2003, it will be available to all fisheries off the Pacific Coast until the end of the fishing season on December 31, 2003.

Classification

The Assistant Administrator for Fisheries (AA), NMFS finds good cause to waive the requirement to provide prior notice and opportunity for comment on this action under 5 U.S.C. 553(b)(B), because providing prior notice and opportunity would be impracticable. It would be impracticable because this closure is necessary to comply with the allocation procedures mandated by the FMP and its implementing regulations. For these reasons, the AA finds that good cause exists to waive the 30-day delay in effectiveness requirement of 5 U.S.C. 553(d)(3).

This action is required by 50 CFR 660.509 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 23, 2003.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 03-27174 Filed 10-23-03; 3:49 pm]

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