(c) *Authority.* In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of this security zone by the U.S. Navy.

Dated: December 23, 2004.

**John E. Long,**

*Captain, U.S. Coast Guard, Captain of the Port, San Diego.*

[FR Doc. 05–547 Filed 1–11–05; 8:45 am]

**BILLING CODE 4910–15–P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

## 48 CFR Parts 1835 and 1852

**RIN 2700–AD04**

## Final Scientific and Technical Reports—SBIR and STTR Contracts

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Final rule.

**SUMMARY:** This rule adopts as final without change the proposed rule published in the **Federal Register** on August 12, 2004. This final rule amends the NASA FAR Supplement (NFS) by adding an Alternate III to the ''Final Scientific and Technical Reports'' clause for use in contracts awarded under the Small Business Innovation Research (SBIR) and the Small Business Technology Transfer (STTR) programs. This change is required to recognize the ''Rights in Data—SBIR Programs'' clause rather than the FAR ''Rights in Data—General'' clause currently referenced in the NFS ''Final Scientific and Technical Reports'' clause.

**DATES:** *Effective Date:* This rule is effective January 12, 2005.

**FOR FURTHER INFORMATION CONTACT:** Celeste Dalton, NASA, Office of Procurement, Contract Management Division; (202) 358–1645; e-mail: *Celeste.M.Dalton@nasa.gov.*

**SUPPLEMENTARY INFORMATION:**

### A. Background

The NASA FAR Supplement at 1835.070(d) requires all research and development contracts to include the clause at 1852.235–73, Final Scientific and Technical Reports. SBIR and STTR contracts are considered R&D contracts and must include the clause at 1852.235–73. This clause provides direction to the contractor regarding its ability to release data first produced or used in performance of the contract. However, the clause currently only address the contractor's rights in data as defined in FAR 52.227–14, Rights in Data—General. Contractor rights in data under SBIR and STTR contracts are defined in FAR clause 52.227–20, Rights in Data—SBIR Program. This change adds an Alternate III to 1852.235–73 for use in SBIR and STTR contracts that references FAR 52.227–20 to recognize contractor data rights under SBIR and STTR contracts.

NASA published a proposed rule in the **Federal Register** on August 12, 2004 (69 FR 49845). No comments were received. The proposed rule is being adopted as final without change.

This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

### B. Regulatory Flexibility Act

NASA certifies that this final rule does not have a significant economic impact on a substantial number of small entities with the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because it only clarifies what the appropriate data rights clause is used under SBIR and STTR contracts.

### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes do not impose recordkeeping or information collection requirements which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

### List of Subjects in 48 CFR Parts 1835 and 1852

Government procurement.

**Tom Luedtke,**

*Assistant Administrator for Procurement.*

■ Accordingly, 48 CFR parts 1835 and 1852 are amended as follows:

■ 1. The authority citation for 48 CFR parts 1835 and 1852 continues to read as follows:

**Authority:** 42 U.S.C. 2473(c)(1).

## PART 1835—RESEARCH AND DEVELOPMENT CONTRACTING

■ 2. Amend section 1835.070 by adding paragraph (d)(3) to read as follows:

**1835.070 NASA contract clauses and solicitation provision.**

* * * * *

(d) * * *

(3) Except when Alternate II applies in accordance with paragraph (d)(2) of this section, the contracting officer shall insert the clause with its Alternate III in all SBIR and STTR contracts.

* * * * *

## PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 3. Amend section 1852.235–73 by revising the date of the clause to read ''(JAN 2005)'' in the first sentence of paragraph (b), removing ''NPG'' and adding ''NPR'' in its place; and adding Alternate III to read as follows:

**1852.235–73 Final Scientific and Technical Reports.**

* * * * *

**Alternate III**

(Jan 2005)

As prescribed by 1835.070(d)(3), insert the following as paragraph (e) of the basic clause:

(e) The Contractor's rights in data are defined in FAR 52.227–20, Rights In Data—SBIR Program. The Contractor may publish, or otherwise disseminate, such data without prior review by NASA. The Contractor is responsible for reviewing publication or dissemination of the data for conformance with laws and regulations governing its distribution, including intellectual property rights, export control, national security and other requirements, and to the extent the Contractor receives or is given access to data necessary for the performance of the contract which contain restrictive markings, for complying with such restrictive markings. In the event the Contractor has established its claim to copyright data produced under this contract and has affixed a copyright notice and acknowledgement of Government sponsorship, or has affixed the SBIR Rights Notice contained in paragraph (d) of FAR 52.227–20, the Government shall comply with such Notices.

[FR Doc. 05–530 Filed 1–11–05; 8:45 am]

**BILLING CODE 7510–01–U**

## DEPARTMENT OF TRANSPORTATION

## National Highway Traffic Safety Administration

## 49 CFR Part 579

**[Docket No. NHTSA 2001–8677; Notice 13]**

## Reporting of Information and Documents About Potential Defects; Correction

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Correcting amendment.

**SUMMARY:** This document contains a correction to the due dates of reports under the early warning reporting rule.

**DATES:** This final rule is effective January 12, 2005.

**FOR FURTHER INFORMATION CONTACT:** Leo Yon, Office of Defects Investigation, NHTSA (phone: 202–366–5226).

**SUPPLEMENTARY INFORMATION:**

## I. Background

On July 10, 2002, NHTSA published a final rule implementing the early warning reporting (EWR) provisions of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, 49 U.S.C. 30166(m). 67 FR 45822. The agency has adopted a number of amendments to that rule. As of October 1, 2003, 49 CFR 579.28(b) Due date of reports read as follows:

> Except as provided in paragraph (n) of this section, each manufacturer of motor vehicles and motor vehicle equipment shall submit each report that is required by this subpart not later than 30 days after the last day of the reporting period. Notwithstanding the prior sentence, the due date for reports covering the third and fourth calendar quarter of 2003 and the first calendar quarter of 2004 shall be 60 days after the last day of the reporting period. Except as provided in § 579.27(b), if a manufacturer has not received any of the categories of information or documents during a quarter for which it is required to report pursuant to §§ 579.21 through 579.26, the manufacturer's report must indicate that no relevant information or documents were received during that quarter. If the due date for any report is a Saturday, Sunday or a Federal holiday, the report shall be due on the next business day.

A September 28, 2004 notice amended the first two sentences of § 579.28(b) by extending the due date by which quarterly reports are to be submitted to the agency from 30 days to 60 days following the end of a calendar quarter and changing the date by which copies of non-dealer field reports were to be submitted from 30 days after the quarterly reports were due to 15 days after those reports are due. 69 FR 57867. After publishing the September 28th notice, we learned that we had inadvertently deleted the last two sentences of section 579.28(b). We had not intended to delete this language.

Today's amendment corrects this error by re-inserting the last 2 sentences of § 579.28(b). In particular, the language is:

> Except as provided in § 579.27(b), if a manufacturer has not received any of the categories of information or documents during a quarter for which it is required to report pursuant to §§ 579.21 through 579.26, the manufacturer's report must indicate that no relevant information or documents were received during that quarter. If the due date for any report is a Saturday, Sunday or a Federal holiday, the report shall be due on the next business day.

**List of Subjects in 49 CFR Part 579**

Imports, Motor vehicle safety, Motor vehicles, Reporting and recordkeeping requirements.

■ Accordingly, 49 CFR Part 579 is corrected by making the following correcting amendment.

## PART 579—REPORTING OF INFORMATION AND COMMUNICATIONS ABOUT POTENTIAL DEFECTS

■ 1. The authority citation for part 579 continues to read as follows:

**Authority:** Sec. 3, Pub. L. 106–414, 114 Stat. 1800 (49 U.S.C. 30102–103, 30112, 30117–121, 30166–167); delegation of authority at 49 CFR 1.50.

### Subpart C—Reporting of Early Warning Information

■ 2. In § 579.28, revise paragraph (b) to read as follows:

**§ 579.28 Due date of reports and other miscellaneous provisions.**

* * * * *

(b) *Due date of reports.* Except as provided in subsection (n) of this section, each manufacturer of motor vehicles and motor vehicle equipment shall submit each report that is required by this subpart not later than 60 days after the last day of the reporting period. Except as provided in § 579.27(b), if a manufacturer has not received any of the categories of information or documents during a quarter for which it is required to report pursuant to §§ 579.21 through 579.26, the manufacturer's report must indicate that no relevant information or documents were received during that quarter. If the due date for any report is a Saturday, Sunday or a Federal holiday, the report shall be due on the next business day.

* * * * *

Issued on: January 3, 2005.

**Kenneth N. Weinstein,**

*Associate Administrator for Enforcement.*

[FR Doc. 05–532 Filed 1–11–05; 8:45 am]

**BILLING CODE 4910–59–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 648

**[Docket No. 041108311–5001–02; I.D. 110204B]**

**RIN 0648–AR52**

## Fisheries of the Northeastern United States; Final 2005, 2006, and 2007 Fishing Quotas for Atlantic Surfclams, Ocean Quahogs, and Maine Mahogany Ocean Quahogs

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

**ACTION:** Final rule.

**SUMMARY:** NMFS is required to specify annual catch quotas for the Atlantic surfclam and ocean quahog fisheries. NMFS issues this rule to set final allowable harvest levels of Atlantic surfclams and ocean quahogs from the Exclusive Economic Zone and an allowable harvest level of Maine mahogany ocean quahogs from Atlantic waters north of 43°50′ N. lat. for the 2005, 2006, and 2007 fishing years.

**DATES:** Effective January 1, 2005.

**ADDRESSES:** Copies of supporting documents, including the Environmental Assessment, Regulatory Impact Review, Initial Regulatory Flexibility Analysis (EA/RIR/IRFA), and the Essential Fish Habitat Assessment, are available from Daniel Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19904–6790.

The Final Regulatory Flexibility Analysis (FRFA) consists of the IRFA, and public comments and responses, and the summary of impacts and alternatives contained in the Classification section of the preamble of this final rule. Copies of the small entity compliance guide are available from Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930–2298. A copy of the EA/RIR/IRFA is accessible via the Internet at *http://www.nero.noaa.gov/nero/regs/com.html*.

**FOR FURTHER INFORMATION CONTACT:** Brian R. Hooker, Fishery Policy Analyst, 978–281–9220.

**SUPPLEMENTARY INFORMATION:** The Fishery Management Plan for the Atlantic Surfclam and Ocean Quahog Fisheries (FMP) requires that NMFS, in consultation with the Mid-Atlantic