

(B) 25 Pa. Code Chapter 130, Subchapter C. Architectural and Industrial Maintenance Coatings, Subsections 130.601–130.611, inclusive, effective October 25, 2003.

(ii) Additional Material.—Remainder of the Commonwealth's submittals pertaining to the revisions listed in paragraph (c)(227)(i) of this section.

[FR Doc. 04–25815 Filed 11–22–04; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 46 CFR Parts 10, 12, 28, 30

[USCG–2004–18884]

RIN 1625–ZA03

#### Shipping and Transportation; Technical, Organizational and Conforming Amendments

AGENCY: Coast Guard, DHS.

ACTION: Final rule; corrections.

**SUMMARY:** This document contains corrections to the Shipping and Transportation; Technical, Organizational and Conforming Amendments final rule for Titles 46 and 49 of the Code of Federal Regulations (USCG–2004–18884) published on September 30, 2004, in the **Federal Register** (69 FR 58336).

**DATES:** These corrections are effective November 23, 2004.

**ADDRESSES:** Documents as indicated in this preamble are available for inspection or copying at the Docket Management Facility, USCG–2004–18884, U.S. Department of Transportation, room PL–401, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on these corrections, call Robert Spears, Project Manager, Standards Evaluation and Development Division (G–MSR–2), Coast Guard, at 202–267–1099. If you have questions on viewing, or submitting material to the docket, call Andrea M. Jenkins, Program Manager, Docket Operations, Department of Transportation, telephone 202–366–0271.

#### SUPPLEMENTARY INFORMATION:

##### Background

Each year titles 46 and 49 of the Code of Federal Regulations are updated on

October 1. That rule, which became effective September 30, 2004, corrected organization names and addresses, revised authority citations for certain parts to reflect our move to the Department of Homeland Security (DHS) in March 2003, and made other technical and editorial corrections throughout titles 46 and 49. Neither that rule nor this rule makes any substantive change to the existing regulations.

#### Need for Correction

The final rule that was published on September 30, 2004, contains errors which may prove to be misleading and need to be clarified. This rule makes those clarifications.

#### List of Subjects

##### 46 CFR Part 10

Reporting and recordkeeping requirements, Schools, Seamen.

##### 46 CFR Part 12

Reporting and recordkeeping requirements, Seamen.

##### 46 CFR Part 28

Fire prevention, Fishing vessels, Marine safety, Occupational safety and health, Reporting and recordkeeping requirements, Seamen.

##### 46 CFR Part 30

Cargo vessels, Foreign relations, Hazardous materials transportation, Penalties, Reporting and recordkeeping requirements, Seamen.

■ For the reasons discussed in the preamble, the Coast Guard amends 46 CFR parts 10, 12, 28, and 30 as follows:

#### PART 10—LICENSING OF MARITIME PERSONNEL

■ 1. The authority citation for part 10 continues to read as follows:

**Authority:** 14 U.S.C. 633; 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, and 2110; 46 U.S.C. Chapter 71; 46 U.S.C. 7502, 7505, 7701, 8906; Department of Homeland Security Delegation No. 0170.1. Sec. 10.107 is also issued under the authority of 44 U.S.C. 3507.

##### § 10.805 [Amended]

■ 2. In § 10.805(f), remove the words “The expiration date of a certificate of registry issued without an expiration date shall be determined in accordance with § 10.811.”

#### PART 12—CERTIFICATION OF SEAMEN

■ 3. The authority citation for part 12 continues to read as follows:

**Authority:** 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2110, 7301, 7302, 7503, 7505, 7701;

Department of Homeland Security Delegation No. 0170.1.

■ 4. Revise § 12.02–3(b)(3) to read as follows:

##### § 12.02–3 Where documents are issued.

(a) \* \* \*

(b) \* \* \*

(3) The written examinations are forwarded to the Commanding Officer, National Maritime Center by Merchant Marine Details. Any Marine Inspection Office at which an applicant with a temporary permit appears may request and obtain the examination in the case from the Commanding Officer, National Maritime Center. Any Marine Inspection Office which doubts the propriety of issuing a permanent certificate in lieu of a temporary permit which has been issued by a foreign Merchant Marine Detail shall inform the Commanding Officer, National Maritime Center fully as to the circumstances.

##### § 12.15–5 [Amended]

■ 5. In § 12.15–5(c), remove the word “therefore” and add, in its place, the word “therefor”.

#### PART 28—REQUIREMENTS FOR COMMERCIAL FISHING INDUSTRY VESSELS

■ 6. The authority citation for part 28 continues to read as follows:

**Authority:** 46 U.S.C. 3316, 4502, 4505, 4506, 6104, 10603; Department of Homeland Security Delegation No. 0170.1.

##### § 28.30 [Amended]

■ 7. In § 28.30(a), after the words “subchapter S”, remove the words “of this chapter”; and before the words “subchapter S”, add the words “33 CFR”.

#### PART 30—GENERAL PROVISIONS

■ 8. The authority citation for part 30 continues to read as follows:

**Authority:** 46 U.S.C. 2103, 3306, 3703; Pub. L. 103–206, 107 Stat. 2439; 49 U.S.C. 5103, 5106; Department of Homeland Security Delegation No. 0170.1; Section 30.01–2 also issued under the authority of 44 U.S.C. 3507; Section 30.01–05 also issued under the authority of Sec. 4109, Pub. L. 101–380, 104 Stat. 515.

##### § 30.15–1 [Amended]

■ 9. In § 30.15–1(a) remove the word “therefore” and add, in its place, the word “therefor”.

##### § 30.30–11 [Amended]

■ 10. In § 30.30–11(b) remove the word “therefore” and add, in its place, the word “therefor”.

Dated: November 17, 2004.

**Stefan G. Vencus,**

Chief, Office of Regulations and  
Administrative Law, United States Coast  
Guard.

[FR Doc. 04-25967 Filed 11-22-04; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 635

[Docket No. 030604143-4309-02; I.D.  
030403C]

RIN 0648-AQ90

#### Atlantic Highly Migratory Species; Atlantic Swordfish Quotas

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

**ACTION:** Final rule.

**SUMMARY:** NMFS amends the regulations governing the North and South Atlantic swordfish fisheries to implement recommendations adopted at the 2002 meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT). Specifically, NMFS: increases the North Atlantic swordfish quota to 3,877 metric tons (mt) whole weight (ww) in 2003 and to 3,907 mt ww in 2004 and 2005; establishes a dead discard allowance of 80 mt ww for 2003; transfers 25 mt ww of North Atlantic swordfish quota to Canada in 2003, 2004, and 2005; allows up to 200 mt ww of North Atlantic swordfish quota to be caught between 5 degrees North latitude and 5 degrees South latitude; and establishes a South Atlantic swordfish quota of 100 mt ww in 2003, 2004, and 2005 and 120 mt ww in 2006. In addition, NMFS adjusts the 2003 and 2004 directed and reserve quotas based on underharvests from the 2002 and 2003 fishing years, respectively.

**DATES:** This final rule is effective December 23, 2004.

**ADDRESSES:** Copies of the Environmental Assessment/Regulatory Impact Review (EA/RIR) may be obtained from Christopher Rogers, Chief, Highly Migratory Species Management Division F/SF1, 1315 East-West Highway, Silver Spring, MD 20910. These documents are also available from the Highly Migratory Species Management Division website at [www.nmfs.noaa.gov/sfa/hms/](http://www.nmfs.noaa.gov/sfa/hms/).

**FOR FURTHER INFORMATION CONTACT:** Chris Rilling, by phone: 301-713-2347 or by fax: 301-713-1917.

**SUPPLEMENTARY INFORMATION:** The United States Atlantic swordfish and tuna fisheries are managed under the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (HMS FMP). Implementing regulations at 50 CFR part 635 are issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.* and the Atlantic Tunas Convention Act (ATCA), 16 U.S.C. 971 *et seq.* Regulations issued under the authority of ATCA carry out the recommendations of ICCAT. The June 20, 2003, proposed rule (68 FR 36967) contains the background information for the management measures in this final rule; the background information is not repeated in this final rule.

#### Comments and Responses

NMFS held three public hearings in July and August 2003 in Gloucester, MA; Madeira Beach, FL; and Silver Spring, MD. Comments were received from fishery participants and other members of the public regarding the proposed regulations. In addition, written comments were submitted to NMFS during the 45-day comment period. Written and oral comments are summarized below with NMFS' responses.

##### North Atlantic Swordfish Quota

*Comment 1:* One commenter supports opportunities for U.S. fishermen to land more swordfish as long as it is done in a manner that does not compromise the full rebuilding of the population and long-term sustainability of the resource.

*Response:* NMFS agrees that ensuring sustainability and rebuilding the population are important aspects of providing long term opportunities for fishermen to harvest the resource. The selected alternatives are consistent with the objectives of the ICCAT rebuilding program, Magnuson-Stevens Act, ATCA, and the HMS FMP and will ensure the sustainability of the stock.

*Comment 2:* To facilitate harvest of the United States allocated quota, the United States should make a limited number of new handgear permits available for distribution.

*Response:* Making a limited number of new handgear permits available is one option for addressing the underharvest occurring in recent years. Since this would require a plan amendment, NMFS solicited comments regarding this and other options during the scoping process for Amendment 2 to the HMS FMP and may consider those

options in Amendment 2 or other future rulemaking.

*Comment 3:* If the United States is unable to catch its quota, there will be efforts by other ICCAT countries to permanently reduce the U.S. quota share and allocate that quota to other fishing nations. This will have conservation ramifications given that U.S. fisheries are better managed than fisheries in other ICCAT nations.

*Response:* This rule implements recommendations agreed to at the 2002 meeting of ICCAT. The North Atlantic swordfish quota levels are established through 2005. ICCAT will reevaluate the current quotas and recommend new ones at that time. NMFS will continue to evaluate the need for all current regulations with regard to the effect on harvest rates and will work with fishermen to preserve the U.S. quota share while ensuring consistency with the Magnuson-Stevens Act, the Endangered Species Act (ESA), and other domestic laws.

*Comment 4:* U.S. underharvests are primarily a result of the premature closures of the directed fishery in 1997 and 1998 and the overly restrictive time/area closures currently in place. Scientific data shows swordfish recovering before implementation of the time/area closures. Because of current management, this once thriving domestic fishery has exhibited reduced effort and profitability.

*Response:* NMFS implemented the current time and area closures and other restrictions to reduce bycatch in the pelagic longline fishery. This bycatch included juvenile swordfish, billfish, sharks, and sea turtles. NMFS will evaluate the impact and effectiveness of the closures in Amendment 2 to the HMS FMP or other future rulemaking and will modify them if necessary to meet management objectives and legislative requirements.

*Comment 5:* One commenter opposed an increase in the North Atlantic swordfish quota. Even though the stock assessment indicates improvement, the stock is still overfished. Any increase in quota will slow down or reverse the improvement and lead to an increase in dead discards of juvenile swordfish, marlin, and sharks. Increasing the quota goes against NMFS' stated goal of risk-averse management. The increase is hard to understand given the United States has not landed the quota since 1995.

*Response:* At its 2002 meeting, ICCAT conducted a North Atlantic swordfish stock assessment and determined that the population had nearly recovered to a level that will support maximum sustainable yield and that an increase