

allocable, or allowable will not be recognized for crediting purposes.

(c) Other costs that are not eligible for reimbursement pursuant to I-106(d) may be recognized for credit only if requested, identified, and incorporated in an approved mentor-protégé agreement.

(d) The amount of credit a mentor firm may receive for any such unreimbursed developmental assistance costs must be equal to—

(1) Four times the total amount of such costs attributable to assistance provided by small business development centers, historically Black colleges and universities, minority institutions, and procurement technical assistance centers.

(2) Three times the total amount of such costs attributable to assistance furnished by the mentor's employees.

(3) Two times the total amount of other such costs incurred by the mentor in carrying out the developmental assistance program.

#### *I-110.2 Credit Adjustments*

(a) Adjustments may be made to the amount of credit claimed if the Director, SADB, OUSD(AT&L), determines that—

(1) A mentor firm's performance in the attainment of its subcontracting goals through actual subcontract awards declined from the prior fiscal year without justifiable cause; and

(2) Imposition of such a limitation on credit appears to be warranted to prevent abuse of this incentive for the mentor firm's participation in the Program.

(b) The mentor firm must be afforded the opportunity to explain the decline in small business subcontract awards before imposition of any such limitation on credit. In making the final decision to impose a limitation on credit, the Director, SADB, OUSD(AT&L), must consider—

(1) The mentor firm's overall small business participation rates (in terms of percentages of subcontract awards and dollars awarded) as compared to the participation rates existing during the 2 fiscal years prior to the firm's admission to the Program;

(2) The mentor firm's aggregate prime contract awards during the prior 2 fiscal years and the total amount of subcontract awards under such contracts; and

(3) Such other information the mentor firm may wish to submit.

(c) The decision of the Director, SADB, OUSD(AT&L), regarding the imposition of a limitation on credit will be final.

#### *I-111 Agreement Terminations*

(a) Mentors and/or protégés must send a copy of any termination notices to the cognizant Component Director, SADB, that approved the agreement, and the DCMA administrative contracting officer responsible for conducting the annual review pursuant to I-113.

(b) For reimbursable agreements, mentors must also send copies of any termination to the program manager and to the contracting officer.

(c) Termination of a mentor-protégé agreement will not impair the obligations of the mentor firm to perform pursuant to its

contractual obligations under Government contracts and subcontracts.

(d) Termination of all or part of the mentor-protégé agreement will not impair the obligations of the protégé firm to perform pursuant to its contractual obligations under any contract awarded to the protégé firm by the mentor firm.

(e) Mentors and protégés will follow provisions of the mentor-protégé agreement developed in compliance with I-107(k) through (m).

#### *I-112 Reporting Requirements.*

##### *I-112.1 Reporting Requirements applicable to SF294/295 Reports.*

(a) Amounts credited toward applicable subcontracting goal(s) for unreimbursed costs under the Program must be separately identified on the appropriate SF294/SF295 reports from the amounts credited toward the goal(s) resulting from the award of actual subcontracts to protégé firms. The combination of the two must equal the mentor firm's overall accomplishment toward the applicable goal(s).

(b) A mentor firm may receive credit toward the attainment of an SDB subcontracting goal for each subcontract awarded by the mentor firm to an entity that qualifies as a protégé firm pursuant to I-101.3 or I-101.5.

(c) For purposes of calculating any incentives to be paid to a mentor firm for exceeding an SDB subcontracting goal pursuant to the clause at FAR 52.219-26, Small Disadvantaged Business Participation Program—Incentive Subcontracting, incentives will be paid only if an SDB subcontracting goal has been exceeded as a result of actual subcontract awards to SDBs (*i.e.*, excluding credit).

##### *I-112.2 Program Specific Reporting Requirements.*

(a) Mentors must report on the progress made under active mentor-protégé agreements semiannually for the periods ending March 31st and September 30th throughout the Program participation term of the agreement. The September 30th report must address the entire fiscal year.

(b) Reports are due 30 days after the close of each reporting period.

(c) Each report must include the following data on performance under the mentor-protégé agreement:

(1) Dollars obligated (for reimbursable agreements).

(2) Expenditures.

(3) Dollars credited, if any, toward applicable subcontracting goals as a result of developmental assistance provided to the protégé and a copy of the SF294 and/or SF295 for each contract where developmental assistance was credited.

(4) The number and dollar value of subcontracts awarded to the protégé firm.

(5) Description of developmental assistance provided, including milestones achieved.

(6) Impact of the agreement in terms of capabilities enhanced, certifications received, and/or technology transferred.

(d) A recommended reporting format and guidance for its submission are available at: [http://www.acq.osd.mil/sadbu/mentor\\_protege](http://www.acq.osd.mil/sadbu/mentor_protege).

(e) The protégé must provide data, annually by October 31st, on the progress made during the prior fiscal year by the protégé in employment, revenues, and participation in DoD contracts during—

(1) Each fiscal year of the Program participation term; and

(2) Each of the 2 fiscal years following the expiration of the Program participation term.

(f) The protégé report required by paragraph (e) of this section may be provided as part of the mentor report for the period ending September 30th required by paragraph (a) of this section.

(g) Progress reports must be submitted—

(1) For credit agreements, to the cognizant Component Director, SADB, that approved the agreement, and the mentor's cognizant DCMA administrative contracting officer; and

(2) For reimbursable agreements, to the cognizant Component Director, SADB, the contracting officer, the DCMA administrative contracting officer, and the program manager.

#### *I-113 Performance reviews.*

(a) DCMA will conduct annual performance reviews of the progress and accomplishments realized under approved mentor-protégé agreements. These reviews must verify data provided on the semiannual reports and must provide information as to—

(1) Whether all costs reimbursed to the mentor firm under the agreement were reasonably incurred to furnish assistance to the protégé in accordance with the mentor-protégé agreement and applicable regulations and procedures; and

(2) Whether the mentor and protégé accurately reported progress made by the protégé in employment, revenues, and participation in DoD contracts during the Program participation term and for 2 fiscal years following the expiration of the Program participation term.

(b) A checklist for annual performance reviews is available at [http://www.acq.osd.mil/sadbu/mentor\\_protege](http://www.acq.osd.mil/sadbu/mentor_protege).

[FR Doc. 04-10883 Filed 5-12-04; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### 49 CFR Part 178

[Docket No. RSPA-99-5921 (HM-213A)]

RIN 2137-AD34

### Hazardous Materials: Cargo Tank Rollover Damage Protection Requirements; Withdrawal of Advance Notice of Proposed Rulemaking

**AGENCY:** Research and Special Programs Administration (RSPA), DOT.

**ACTION:** Advance notice of proposed rulemaking; withdrawal and termination of rulemaking.

**SUMMARY:** RSPA is withdrawing an advance notice of proposed rulemaking

(ANPRM) published on November 16, 1999, that requested comments on a research study conducted by the University of Michigan Transportation Research Institute (UMTRI) titled "The Dynamics of Tank-Vehicle Rollover and the Implications for Rollover-Protection Devices." Since publication of the ANPRM, RSPA and the Federal Motor Carrier Safety Administration (FMCSA) have determined that additional study is necessary.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Stevens, Office of Hazardous Materials Standards, Research and Special Programs Administration, 202-366-8553 or Mr. Danny Shelton, Hazardous Materials Division, Federal Motor Carrier Safety Administration, 202-366-6121.

**SUPPLEMENTARY INFORMATION:** In 1991, the National Transportation Safety Board (NTSB) investigated seven accidents involving cargo tank motor vehicles (CTMVs) of various DOT specifications used for liquid hazardous materials. All of the incidents investigated resulted in rollover of the CTMV and a release of hazardous materials. As a result of the investigation, NTSB published a Hazardous Materials Special Investigation Report on February 2, 1992. In its report, NTSB concluded that in all cases the CTMV rollover protection devices failed to protect the cargo tank manholes and fittings from damage.

On February 4, 1992, NTSB released safety recommendation H-92-10, recommending, in part, that the Research and Special Programs Administration (RSPA; we) and the Federal Highway Administration (FHWA), the predecessor agency to the Federal Motor Carrier Safety Administration (FMCSA), conduct a study to model and analyze the forces and energy involved in CTMV rollover incidents. In addition, in H-92-2, NTSB recommended that RSPA assist FHWA to improve the performance of rollover protection devices by promulgating performance standards to consider those forces identified in the study as acting on the devices during a rollover accident. In response to safety recommendation H-92-10, FHWA contracted with UMTRI to conduct a study of CTMV rollover incidents.

In November 1998, UMTRI released its study, titled "The Dynamics of Tank-Vehicle Rollover and the Implications for Rollover-Protection Devices." The study examined 882 simulated rollover incidents involving various DOT specification CTMVs and configurations (MC 306, MC 307, MC 312). The

simulated rollover incidents were influenced by the accidents investigated by NTSB and included mild, moderate, and severe rollover crash events.

On November 16, 1999, RSPA published an ANPRM (64 FR 62161) that solicited comments and other supporting data from industry related to the issues of concern in the UMTRI study. The ANPRM asked a series of seventeen questions concerning issues ranging from rollover dynamics to benefit-cost estimates. In addition, the ANPRM asked whether the UMTRI study recommendations were feasible, noting a potential ten-fold increase in costs when compared to current regulatory requirements for rollover protection.

In response to the ANPRM, we received twenty-five comments, eight of which were within the scope of the rulemaking. The comments received were generally negative, and all included similar conclusions regarding cost, efficacy, and feasibility. In addition, commenters stated that there was insufficient evidence to support any major revision of the current overturn protection requirements.

In response to comments received to the ANPRM, FMCSA contracted with Battelle in CY 2001 for an independent analysis of the original UMTRI CTMV rollover study. This study is scheduled for completion in CY 2006. Because of the extended period expected for completing the study and evaluating the findings, we are terminating further rulemaking action under this docket. The termination of this rulemaking action does not preclude our addressing the NTSB recommendations under another docket.

Upon completion of the FMCSA study, RSPA and FMCSA will evaluate the findings and open a new rulemaking docket to solicit industry comments and consider proposals to revise current rollover protection requirements. Accordingly, Docket No. RSPA-99-5921 (HM-213A) is hereby withdrawn.

Issued in Washington, DC on May 5, 2004, under authority delegated in 49 CFR Part 106.

**Robert A. McGuire,**

*Associate Administrator for Hazardous Materials Safety.*

[FR Doc. 04-10819 Filed 5-12-04; 8:45 am]

**BILLING CODE 4910-60-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 229

[Docket No. 040407106-4106-01; I.D. 040104A]

**RIN 0648-AS04**

#### List of Fisheries for 2004

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

**ACTION:** Proposed rule; extension of public comment period.

**SUMMARY:** On April 13, 2004, the proposed List of Fisheries (LOF) for 2004 under the Marine Mammal Protection Act (MMPA) was published in the **Federal Register**. NMFS is extending the comment period on this proposed LOF to June 14, 2004.

**DATES:** Comments must be received by June 14, 2004.

**ADDRESSES:** Send comments to Chief, Marine Mammal Conservation Division, Attn: List of Fisheries, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Comments may also be sent via email to [2004LOF.comments@noaa.gov](mailto:2004LOF.comments@noaa.gov) or the Federal eRulemaking portal: <http://www.regulations.gov> (Follow instructions for submitting comments).

Comments regarding the burden-hour estimates, or any other aspect of the collection of information requirements contained in the proposed rule, should be submitted in writing to the Chief, Marine Mammal Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 and to David Rostker, OMB, by e-mail at [David\\_Rostker@omb.eop.gov](mailto:David_Rostker@omb.eop.gov) or by fax to 202-395-7285.

#### FOR FURTHER INFORMATION CONTACT:

Kristy Long, Office of Protected Resources, 301-713-1401; Kim Thounhurst, Northeast Region, 978-281-9328; Juan Levesque, Southeast Region, 727-570-5312; Cathy Campbell, Southwest Region, 562-980-4060; Brent Norberg, Northwest Region, 206-526-6733; Bridget Mansfield, Alaska Region, 907-586-7642. Individuals who use a telecommunications device for the hearing impaired may call the Federal Information Relay Service at 1-800-877-8339 between 8 a.m. and 4 p.m. Eastern time, Monday through Friday, excluding Federal holidays.

**SUPPLEMENTARY INFORMATION:** On April 13, 2004, the proposed List of Fisheries