

annual reports to the cognizant contracting officer regarding participating prime contractor's performance in the program for use in the award fee determination process.

1819.7218 Program review.

At the conclusion of each year in the mentor-protege program, the prime contractor and protege, as appropriate, will formally brief the NASA mentor-protege program manager, the technical program manager and the contracting officer regarding program accomplishments as pertains to the approved agreement. This review will be incorporated into the normal program review, where applicable. A separate review will be scheduled for other contracts to be held at the NASA work site location.

1819.7219 Solicitation provision and contract clauses.

(a) The contracting officer shall insert the clause at 1852.219-77, NASA Mentor-Protege Program, in all solicitations and contracts with subcontracting plans or in the case of small business set-asides exceeding \$500,000 (\$1,000,000 for construction) that offer subcontracting opportunities.

(b) The contracting officer shall insert the provision at 1852.219-78, Evaluation of Prime Contractor Participation in the Mentor-Protege Program, in all solicitations containing the provisions at 1852.219-77, NASA Mentor-Protege Program and FAR 52.219-9, Small Business and Small Disadvantaged Business Subcontracting Plan.

(c) The contracting officer shall insert the clause at 1852.219-79, Mentor Responsibility and Evaluation, in contracts where the prime contractor is a participant in the NASA Mentor-Protege Program.

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

a. Sections 1852.219-77, 1852.219-78, and 1852.219-79 are added to read as follows:

1852.219-77 NASA Mentor-Protege Program.

As prescribed in 1819.7219(a), insert the following provision:

NASA Mentor Protege Program (Jan. 1994)

(a) Prime contractors, including certain small businesses, are encouraged to participate in the NASA pilot mentor-protege program for the purpose of providing developmental assistance to eligible protege entities to enhance their capabilities and increase their participation in NASA contracts.

(b) The pilot program consists of:

(1) Mentor firms, which are large prime contractors with at least one active subcontracting plan or eligible small businesses;

(2) Protege, which are subcontracting under the prime contractor, include Small Disadvantaged Business (SDB) concerns including women-owned small businesses, Historically Black Colleges and Universities, and Minority Institutions, as those terms are defined in NASA FAR Supplement 1819.7202.

(3) Mentor-protege agreements, approved by the NASA Office of Small and Disadvantaged Business Utilization (OSDBU);

(4) Potential of payment of additional award fee for voluntary participation and successful performance in the mentor-protege program.

(c) Mentor participation in the program, described in 48 CFR 1819.72, means providing technical, managerial and financial assistance to aid proteges in developing requisite high-tech expertise and business systems to compete for and successfully perform NASA contracts and subcontracts.

(d) Contractors interested in participating in the pilot program are encouraged to contact the NASA OSDBU, Washington, DC 20546, (202) 358-2088, for further information. (End of clause)

1852.219-78 Evaluation of Prime Contractor Participation in the NASA Mentor Protege Program.

As prescribed in 1819.7219(b), insert the following provision:

Evaluation of Prime Contractor Participation in the NASA Mentor-Protege Program (DEC 1994)

NASA will consider (evaluate) the proposed participation and extent of developmental assistance to be provided by a prime contractor to protege firms as an approved Mentor in the NASA Mentor-Protege Program under the SDB Utilization subfactor under Mission Suitability.

1852.219-79 Mentor Requirements and evaluation.

As prescribed in 1819-7219(c), insert the following provision:

Mentor Requirements and Evaluation (DEC 1994)

(a) The purpose of the NASA Mentor-Protege Program (s) is for a NASA prime contractor to provide developmental assistance to certain subcontractors qualifying as proteges. Eligible proteges include Small Disadvantaged Business concerns including women-owned small businesses, Historically Black Colleges and Universities, and Minority Institutions, as those terms are defined in NASA FAR Supplement 1819.7202.

(b) NASA will evaluate the contractor's performance through the Performance Evaluation process. The evaluation will consider the following:

(1) Specific actions taken by the contractor, during the evaluation period, to increase the participation of proteges as subcontractors and suppliers;

(2) Specific actions taken by the contractor during this evaluation period to develop the technical and corporate administrative expertise of a protege as defined in the agreement;

(3) To what extent the Protege has met the developmental objectives in the agreement; and

(4) To what extent the firm's participation in the Mentor-Protege Program resulted in the Protege receiving competitive contract(s) and subcontract(s) from private firms and agencies other than the Mentor.

(c) Semi-annual reports shall be submitted by the mentor to the NASA mentor-protege program manager, NASA Headquarters OSDBU to include information as outlined in 1819.7206(b).

(d) The Mentor will notify the OSDBU and the contracting officer, in writing, at least 30 days in advance of the mentor firm's intent to voluntarily withdraw from the program or upon receipt of a Protege's notice to withdraw from the Program;

(e) Mentor and protege firms will submit a "lessons learned" evaluation to the NASA OSDBU at the conclusion of the pilot program period or the conclusion of their effort which ever comes first. At the conclusion of each year in the mentor-protege program, the prime contractor and protege, as appropriate, will formally brief the NASA mentor-protege program manager, the technical program manager, and the contracting officer during a formal program review regarding program accomplishments as pertains to the approved agreement.

(f) NASA may terminate Mentor-Protege agreements and exclude Mentor or Protege firms from participating in the NASA program if NASA determines that such actions are in NASA's interest. These actions shall be approved by the NASA OSDBU. NASA shall terminate an agreement by delivering to the contractor a Notice specifying the reason for termination and the effective date. Termination of an agreement does not constitute a termination of the subcontract between the mentor and the protege. A plan for accomplishing the subcontract effort should the agreement be terminated shall be submitted with the agreement as required in 1819.7213(h). (End of clause)

[FR Doc. 95-7051 Filed 3-23-95; 8:45 am]

BILLING CODE 7510-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 501

Organization and Delegation of Powers and Duties

AGENCY: National Highway Traffic Safety Administration (NHTSA), (DOT).
ACTION: Final rule.

SUMMARY: This final rule revises the regulations on the organization of and delegations of powers and duties within

NHTSA to reflect changes in the titles of two agency officials. The official formerly known as the Associate Administrator for Rulemaking is now the Associate Administrator for Safety Performance Standards. The NHTSA official formerly known as the Associate Administrator for Enforcement is now the Associate Administrator for Safety Assurance.

EFFECTIVE DATE: March 24, 1995.

FOR FURTHER INFORMATION CONTACT: Dorothy Nakama, Office of the Chief Counsel, NHTSA, 400 Seventh Street, SW, Room 5219, Washington, DC 20590. Ms. Nakama's telephone number is: (202) 366-2992.

SUPPLEMENTARY INFORMATION: This final rule revises the regulations on the organization of and delegations of powers and duties within the National Highway Traffic Safety Administration (NHTSA) to reflect changes in the titles of two agency officials. The official formerly known as the Associate Administrator for Rulemaking is now the Associate Administrator for Safety Performance Standards. The official formerly known as the Associate Administrator for Enforcement is now the Associate Administrator for Safety Assurance. Accordingly, all references in part 501 to "Associate Administrator for Rulemaking" are revised to read "Associate Administrator for Safety Performance Standards." All references in part 501 to "Associate Administrator for Enforcement" are revised to read "Associate Administrator for Safety Assurance."

These amendments relate solely to changes in titles of NHTSA officials, and have no substantive effect. As matters relating to agency management, they are not covered by the notice and comment or the effective date requirements of the Administrative Procedure Act. In addition, they are not covered by Executive Order 12866 or the Department of Transportation's regulatory policies and procedures. Notice and the opportunity for comment are, therefore, not required, and these amendments are effective immediately upon publication in the **Federal Register**.

List of Subjects in 49 CFR Part 501

Authority, Delegations.

In consideration of the foregoing, 49 CFR 501 is amended as follows:

PART 501—[AMENDED]

1. The authority citation for Part 501 continues to read as follows:

Authority: 49 U.S.C. sections 105 and 322; delegation of authority at 49 CFR 1.50.

§§ 501.3, 501.4, 501.8 [Amended]

2. In 49 CFR part 501, remove the words "Associate Administrator for Rulemaking" and add, in their place, the words "Associate Administrator for Safety Performance Standards" in the following places:

(a) Section 501.3(c)(1) paragraph heading;

(b) Section 501.4(d);

(c) Section 501.8(f) paragraph heading; and

(d) Section 501.8(f).

3. In 49 CFR part 501, remove the words "Associate Administrator for Enforcement" and add, in their place, the words "Associate Administrator for Safety Assurance" in the following places:

(a) Section 501.3(c)(2) paragraph heading;

(b) Section 501.4(e);

(c) Section 501.8(f);

(d) Section 501.8(g) paragraph heading; and

(e) Section 501.8(g).

Issued on: March 20, 1995.

Ricardo Martinez,
Administrator.

[FR Doc. 95-7349 Filed 3-23-95; 8:45 am]

BILLING CODE 4910-59-P

49 CFR Part 571

[Docket No. 93-78, Notice 02]

RIN No. 2127-AE96

Federal Motor Vehicle Safety Standards; Designated Seating Position

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This final rule amends the definition of "designated seating position" found in 49 CFR 571.3, *Definitions*, to provide that for the sole purpose of determining the vehicle type classification of a vehicle sold to transport school children, any location in the vehicle intended for securement of an occupied wheelchair during vehicle operation will be regarded as 4 designated seating positions. NHTSA is issuing this rule to ensure that smaller school buses remain classified as school buses, and thus subject to the comprehensive school bus safety standards, when seats are removed to install wheelchair securement locations. This rule will assure that students being transported in vehicles accommodating wheelchairs will be afforded the same level of occupant protection as other students transported in school buses.

DATES: The amendment promulgated by this final rule will become effective March 25, 1996.

Manufacturers may voluntarily comply with the amendment promulgated by this final rule on or after April 24, 1995.

Any petitions for reconsideration must be received by NHTSA not later than April 24, 1995.

ADDRESSES: Petitions for reconsideration should refer to the docket and number of this document and be submitted to: Administrator, Room 5220, National Highway Traffic Safety Administration, 400 Seventh Street S.W., Washington, D.C., 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Hott, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Room 5320, Washington, DC 20590. Telephone: (202) 366-0247.

SUPPLEMENTARY INFORMATION:

Background

This rule amends the definition of "designated seating position" found in 49 CFR 571.3, *Definitions*, to respond to an issue that arose in a rulemaking concerning a Federal motor vehicle safety standard (Standard) applying to school buses. The rulemaking amended Standard No. 222, School Bus Passenger Seating and Crash Protection, to require school buses designed to transport persons in wheelchairs to have wheelchair securement devices (wheelchair restraints) and wheelchair occupant restraint systems meeting specified performance requirements (58 FR 4586; January 15, 1993). School bus manufacturers typically remove seats from a vehicle to install wheelchair restraints. Removing seats can affect a vehicle's classification and the standards that apply to it.

One of the important factors used by NHTSA in classifying vehicles is seating capacity. For example, NHTSA determines whether a vehicle is a "bus" or a "multipurpose passenger vehicle" (MPV) based primarily on passenger seating capacity. The definition of a bus is found in title 49 CFR 571.3, "Definitions." In that section, a bus is defined as a passenger motor vehicle designed to carry more than 10 persons (i.e., 10 or more passengers and a driver). An MPV is designed to carry 10 or fewer persons.

The agency determines a vehicle's seating capacity by counting the number of "designated seating positions" in the vehicle. That term is defined in section 571.3 as follows: