

operating on the navigable waters of the United States.

**DATES:** Comments and related material must reach the Docket Management Facility on or before November 10, 2004.

**ADDRESSES:** To make sure that your comments and related material are not entered more than once in the docket, please submit them by only one of the following means:

(1) By mail to the Docket Management Facility (USCG-1998-3798), U.S. Department of Transportation, room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001.

(2) By delivery to room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

(3) By fax to the Docket Management Facility at 202-493-2251.

(4) Electronically through the Web site for the Docket Management System at <http://dms.dot.gov>.

You must also mail comments on collection of information to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, ATTN: Desk Officer, U.S. Coast Guard.

The Docket Management Facility maintains the public docket for the rulemaking. Comments and material received from the public will become part of this docket and will be available for inspection or copying at room PL-401, located on the Plaza level of the Nassif Building, 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 this rule, call Ms. Pat Williams, Project Manager, National Vessel Documentation Center, Coast Guard, telephone 304-271-2400, e-mail: [pwilliams@comdt.uscg.mil](mailto:pwilliams@comdt.uscg.mil). If you have questions on viewing the docket, call Ms. Andrea M. Jenkins, Program Manager, Docket Operations, telephone 202-366-0271.

#### **SUPPLEMENTARY INFORMATION:**

##### **Request for Comments**

We encourage you to participate in this Coast Guard rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (USCG-1998-3798), indicate the

specific section of the Notice of Proposed Rulemaking to which each comment applies, and give the reason for each comment. You may submit your comments and material by mail, hand delivery, fax, or electronic means to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know they reached the Facility, please enclose a stamped, self-addressed postcard or envelope.

Your comments and materials may influence this rulemaking. We will consider all comments received during the comment period.

#### **Regulatory History**

On October 18, 1994, the Coast Guard published a notice in the **Federal Register** (59 FR 52646) requesting comments on issues related to a numbering system for undocumented barges measuring more than 100 gross tons. The primary issues addressed in the notice concerned who should administer a barge numbering system, what type of number should be required, and how much the numbering system would cost. The Coast Guard received twenty-one comments in response to the notice.

On July 6, 1998, the Coast Guard published an Advanced Notice of Proposed Rulemaking (ANPRM) in the **Federal Register** (63 FR 36384), discussing the proposed regulation, comments received from the October 1994 notice, and a preliminary regulatory assessment.

On January 11, 2001, the Coast Guard published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** (66 FR 2385), discussing the proposed regulation, comments received from the ANPRM, and requesting additional comments.

The comments received from the NPRM (see this docket on the Internet at <http://dms.dot.gov>) will be discussed in the final rule, along with comments received from this notice.

#### **Background and Purpose**

Congress passed the Abandoned Barge Act of 1992 (Public Law 102-587, §§ 5301-05) ("the Act"). During passage of the Act, Congress noted that abandoned barges are often used for the illegal disposal of hazardous cargo, waste, and petroleum products. This illegal disposal can lead to actual or potential pollution incidents. To

prevent these incidents, the Act added a new chapter 47 to title 46 of the United States Code that prohibits abandoning barges in the navigable waters of the United States. The Act also amended 46 U.S.C. 12301 to require the numbering of undocumented barges measuring more than 100 gross tons operating on the navigable waters of the United States.

This numbering system will provide a means for identifying parties responsible for the now illegal abandonment of barges. More importantly, it will help identify those parties who may be held liable for the removal and proper disposal of any hazardous substances stored or deposited on board abandoned barges, as well as for the removal of the barges from the nation's waterways. This potential for liability would serve as a deterrent to barge abandonment.

Taking into consideration the time since the publication of the NPRM, the Coast Guard is soliciting more public information before a final rule is published.

#### **Public Meeting**

The Coast Guard plans no public meeting. You may request a public meeting by submitting a comment requesting one to the address under **ADDRESSES**. The request should include the reasons why a meeting would be beneficial. If the Coast Guard determines that a meeting should be held, we will announce the time and place in a later notice in the **Federal Register**.

Dated: August 6, 2004.

**Joseph J. Angelo,**

*Director of Standards, Marine Safety, Security & Environmental Protection.*

[FR Doc. 04-18471 Filed 8-11-04; 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:** Proposed rule.

**SUMMARY:** This rule proposes to amend 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:** Comments should be submitted on or before October 12, 2004, to be considered in formulation of the final rule.

**ADDRESSES:** Interested parties may submit comments, identified by RIN number 2700-AD04 via the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments. Comments may also be submitted to Celeste Dalton, NASA, Office of Procurement, Contract Management Division (Code HK), Washington, DC 20546. Comments can also be submitted by e-mail to: [Celeste.M.Dalton@nasa.gov](mailto:Celeste.M.Dalton@nasa.gov).

**FOR FURTHER INFORMATION CONTACT:** Celeste Dalton, NASA, Office of Procurement, Contract Management Division (Code HK); (202) 358-1645; e-mail: [Celeste.M.Dalton@nasa.gov](mailto: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 proposes an Alternate III to 1852.235-73 for use in SBIR and STTR contracts. The proposed Alternate III references FAR 52.227-20 to recognize contractor data rights under SBIR and STTR contracts.

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 proposed rule is not a major rule under 5 U.S.C. 804.

**B. Regulatory Flexibility Act**

This proposed rule is not expected to 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 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 (XX/XX); 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**

(XX/XX)

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. 04-18365 Filed 8-11-04; 8:45 am]

**BILLING CODE 7510-01-P**

**DEPARTMENT OF TRANSPORTATION**

**Research and Special Programs Administration**

**49 CFR Parts 171, 172, 173, 178, 179 and 180**

[Docket No. RSPA-04-18683 (HM-218C)]

RIN 2137-AD87

**Hazardous Materials; Miscellaneous Amendments**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** RSPA proposes to make miscellaneous amendments to the Hazardous Materials Regulations based on petitions for rulemaking and RSPA initiatives. These proposed amendments are intended to update, clarify or provide relief from certain regulatory requirements.

**DATES:** Comments must be received by October 12, 2004.

**ADDRESSES:** You may submit comments (identified by DOT DMS Docket Number RSPA-04-18683 (HM-218C)) by any of the following methods:

- *Web Site:* <http://dms.dot.gov>.

Follow the instructions for submitting comments on the DOT electronic docket site.

*Fax:* 202-493-2251.

*Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, PL-401, Washington, DC 20590-0001.

*Hand Delivery:* Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the