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| *(L.27) | 52.215-41 | Requirements for Cost or Pricing Data or Information Other Than Cost or Pricing Data, Alternate III. |
| *(L.28) | 52.215-41 | Requirements for Cost or Pricing Data or Information Other Than Cost or Pricing Data, Alternate IV. |
| (L.29) | 252.227-7017 | Identification and Assertion of Use, Release, or Disclosure Restrictions. |
| (L.30) | 252.227-7028 | Technical Data or Computer Software Previously Delivered to the Government. |
| *(L.31) | 52.215-30 | Facilities Capital Cost of Money (Except educational institutions). |
| (L.32) | 52.204-6 | Contractor Identification Number—Data Universal Numbering System (DUNS) Number. |
| *(L.33) | 52.211-14 | Notice of Priority Rating for National Defense Use. |

(L.34 through L.99) Reserved.

*(L.100) (Insert special instructions, conditions, or notices to offerors, if applicable).

(L.101) Government-Furnished Property. No material, labor, or facilities will be furnished by the Government unless provided for in the solicitation.

(L.102) Proposal Preparation and Submission Instructions.

(i) Page limitation, format.

(A) A proposal shall be prepared in separate volumes with the page limit and number of copies specified as follows. The table of contents and tabs are exempt from the page limits. No cross-referencing between volumes for essential information is permitted except where specifically set forth herein. The following volumes of material will be submitted:

| Title | Copies | Maximum page limits |
|---------------|---------------------------------------|---------------------|
| Cost | As specified in solicitation summary. | * 50 |
| Technical ... | As specified in solicitation summary. | 100 |

*The 50-page cost proposal is a goal not a limit. The Contractor may use additional pages if necessary to comply with public law.

(B) Any technical proposal pages submitted that exceed the page limitations set forth in paragraph (i)(A) of this subsection L.102 will not be read or evaluated. Proposal pages failing to meet the format in paragraph (i)(D) of this subsection L.102 will not be read or evaluated.

(C) No program cost data or cross-reference to the cost proposal will be included in any other volume.

(D) Format of the proposal volumes shall be as follows:

(1) Proposals will be prepared on 8½ x 11 inch paper except for foldouts used for charts, tables, or diagrams, which may not exceed 11 x 17 inches. Foldouts will not be used for text. Pages will have a one inch margin.

(2) A page is defined as one face of a sheet of paper containing information. Two pages may be printed on one sheet.

(3) Type size will be no smaller than 10 point character height (vertical size) and no more than an average of 12 characters per inch. Use of type-setting techniques to reduce type size below 10 points or to increase characters beyond 12 per inch is not permitted. Such techniques are construed as a deliberate attempt to circumvent the intent of page limitations set forth in paragraph (i)(A) of this subsection L.102.

(4) Proposal must lie flat when open; elaborate binding is not desirable.

(5) No models, mockups, or video tapes will be accepted.

(6) Technical proposals will be prepared in the same sequence as the statement of work.

(ii) Content.

All proposals must be complete and respond directly to the requirements of the solicitation. The factors and subfactors listed in Section M of the solicitation shall be addressed. Cost and supporting data shall be included only in the cost volume. All other information shall be included in the technical volume.

(L.103) The Government may make multiple awards resulting from this solicitation.

Section M, Evaluation Factors for Award

Use of the standard evaluation factors is preferred. If the standard evaluation factors are modified in any way, the modifications must be clearly expressed so that the result is unambiguous. Additions to and deletions from the contents of this Section M must be clearly annotated in the solicitation summary (see 235.7006(d)(A.1)(vii)).

*(M.1) FAR 52.217-5 Evaluation of Options (Applicable if the solicitation indicates that options are anticipated in the resulting contract. When this provision is included, evaluation criteria for options shall be included in Section M.)

*(M.2) Proposal Evaluation Procedures and Basis for Award. Proposals will be evaluated and award made as follows:

(i) Basis for award.

The award decision will be based on evaluation of all factors and subfactors set forth in this solicitation. The Government may select the source whose proposal offers the greatest value to the Government in terms of technical, cost or price, and other factors set forth in the solicitation. The source selected may or may not have the lowest proposed total costs.

(ii) Evaluation factors.

Proposals will be evaluated in accordance with the following factors. The technical factor is more important than the cost factor. The technical subfactors are in descending order of importance unless otherwise stated in the solicitation. The cost subfactors are of equal weight.

(A) Technical.

(1) Technical approach. The soundness of the offeror's technical approach, including the offeror's demonstrated understanding of the technical requirement.

(2) Qualification. The experience and qualifications of the proposed personnel relevant to the proposed task. The quantity and quality of the offeror's corporate experience relevant to the proposed task.

(3) Management. The degree to which the offeror demonstrates the ability to effectively and efficiently manage and administer the program to a successful conclusion.

(4) Facilities. The degree to which the proposed facilities enable accomplishment of the proposed effort.

(B) Cost.

(1) Reasonableness. Proposed estimated cost and fee (if any).

(2) Completeness. The adequacy of the identification, estimation and support of all relevant costs.

(3) Realism. The consistency of the cost proposal with the technical effort proposed, the organizational structure, method of operations and cost accounting practices.

*(M.3) 52.215-34 Evaluation of Offers for Multiple Awards.

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 171

[Docket No. RSPA-97-2133 (HM-225)]

RIN 2137-AC97

Hazardous Materials: Cargo Tank Motor Vehicles in Liquefied Compressed Gas Service; Clarification

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

ACTION: Clarification and change of a workshop date.

SUMMARY: This action clarifies the size and location of a marking provision required by an interim final rule published in the **Federal Register** on February 19, 1997. This clarification is in response to inquiries received by RSPA. Additionally, in response to a request from the National Propane Gas Association RSPA announces a change of date for a public workshop originally scheduled for April 8-9, 1997.

DATES: The workshop is rescheduled to April 16-17, 1997, from 9:00 a.m. to 5:00 p.m. in Washington, DC. If all presentations and reviews are completed on April 16, the workshop will be adjourned without reconvening on April 17, 1997.

FOR FURTHER INFORMATION CONTACT: Jennifer Karim, Office of Hazardous Materials Standards (DHM-10), Research and Special Programs Administration, Room 8102, 400

Seventh Street, SW, Washington, DC 20590-0001, Telephone (202) 366-8553.

ADDRESSES: The public workshop will be held in Room 8236-40, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC.

SUPPLEMENTARY INFORMATION: RSPA received general requests for clarification concerning the size and placement of the marking required by § 171.5(b) of the Hazardous Materials Regulations (49 CFR parts 171-180). This temporary marking requirement was adopted in an interim final rule (IFR) published in the **Federal Register** on February 19, 1997 [62 FR 7638]. The marking dimensions specified in the IFR are the minimum acceptable size markings. It is permissible to make the marking proportionally larger. Also, in the IFR, RSPA did not indicate the exact location for placing this marking on the cargo tank. On February 21, 1997, RSPA responded to a request for clarification from the National Tank Truck Carriers, Inc. by stating that the marking should be placed at or near a tank's specification plate.

In the IFR, RSPA announced that two public workshops would be held in Washington, DC. The first workshop was held on March 4-5, 1997. It served as a forum for exchange of information and ideas concerning emergency discharge control systems on cargo tanks. The second workshop, now scheduled for April 16-17, 1997, will focus on review of prototype designs for proposed product discharge control systems, and a review of research and development actions initiated by industry to meet the requirements specified in the HMR.

Issued in Washington, DC, on March 31, 1997.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 97-8612 Filed 4-3-97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 229

[Docket No. 960730211-7066-03; I.D. No. 031797D]

North Atlantic Right Whale Protection; Emergency Regulations

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

ACTION: Emergency interim rule.

SUMMARY: This emergency interim rule implements restrictions on use of lobster pot gear in the Cape Cod Bay right whale critical habitat from April 1, 1997, through May 15, 1997. It also prohibits lobster pot fishing in the Great South Channel right whale critical habitat area from April 1, 1997, through June 30, 1997, until gear modifications or alternative fishing practices that minimize the risk of entanglement or reduce the likelihood that entanglement will result in serious injury or mortality are developed and approved.

EFFECTIVE DATE: This rule is effective from April 1, 1997, through June 30, 1997.

ADDRESSES: Copies of the Environmental Assessment analyzing this action may be obtained from the Chief, Marine Mammal Division, Office of Protected Resources (FPR), NMFS, 1315 East West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Michael Payne, NMFS/Marine Mammal Division/Office of Protected Resources, 301-713-2322; or Kimberly Thounhurst, NMFS/Northeast Regional Office/Protected Species Program, 508-281-9138.

SUPPLEMENTARY INFORMATION:

Need for Emergency Action

With a minimum population estimate of 295 animals, the northern right whale is the most severely depleted large whale species in the Atlantic Ocean. Approximately 37 entanglements of right whales in fishing gear, including fixed and drift gillnets, lobster pot gear, fish traps, weirs, and unidentified gear have been reported. Nine of the above entanglements, eight of which resulted in serious injury or mortality, were attributed to gear identified as lobster gear. The working definition of serious injury used by the Northeast Region is provided in the 1997 List of Fisheries (62 FR 33, January 2, 1997). Pursuant to Section 118(g)(1)(B) of the Marine Mammal Protection Act (MMPA), if the Secretary of Commerce (Secretary) finds that the incidental mortality and serious injury of a marine mammal stock is having, or is likely to have, an immediate and significant adverse impact on that stock or species, and in the case where a take reduction plan (TRP) is being developed, the Secretary shall prescribe emergency regulations to reduce such incidental mortality and serious injury in that fishery and approve and implement, on an expedited basis, such plan, which shall

provide methods to address such adverse impact if still necessary.

In the case of the northern right whale, NMFS has determined, through consultation under the Endangered Species Act (ESA), that the continued existence of the species may be jeopardized by the use of lobster pot gear during the annual high use periods in both the Federal portion of the Cape Cod Bay critical habitat (January 1, 1997, through May 15) and in the Great South Channel critical habitat area (April 1 through June 30). The consultation concluded that the risk of jeopardy could be avoided by closing the Great South Channel critical habitat area during the period of peak whale abundance until gear modifications or alternative fishing practices have been developed which minimize the threat of entanglement or the possibility of serious injury or mortality due to entanglement. The biological opinion also recommended that NMFS work with the Commonwealth of Massachusetts to restrict or modify the lobster fishery in the Cape Cod Bay critical habitat. The conclusion of the biological opinion was based on the following factors: (1) In 20 of the past 27 years, the right whale population has incurred human-induced serious injury or mortality at a rate that continues to limit the species' ability to recover to its optimum sustainable population level, (2) the population remains at a critically low level and experienced an unusually high number of known mortalities in 1996, and (3) right whales have incurred serious injury and mortality incidental to the lobster pot fishery.

Areas designated under the ESA as critical habitat areas for the northern right whale were chosen to encompass areas of concentration for the species (See 50 CFR 226.13). Although individual right whales may transit much of the eastern coast of North America, large numbers of whales are likely to remain in the critical habitat areas throughout the peak months. Peak months include January or February through May in Cape Cod Bay and April through June in the Great South Channel. Identifying high risk times and areas for right whales is somewhat problematic because, although the location for most recorded entanglement events is unknown, entanglements are known to have occurred either at the very end of the peak spring period or at other times of the year. An analysis of fishing effort data indicates that the critical habitat areas do not have significant fishing effort in the peak whale abundance months. Despite low fishing effort levels, NMFS assigns high risk to critical habitat areas during peak