252.203-7001 Contractor Fraud, Waste and Abuse Awareness Program.

As prescribed in 203.7002, insert the following clause:

Contractor Fraud, Waste and Abuse Awareness Program (_____ 1986)

(a) The contractor agrees to maintain an employee fraud, waste and abuse awareness program. The purpose of this program is to inform employees of their duties, rights and responsibilities for preventing and reporting fraud, waste and abuse. The formality of the program and its scope shall be established as appropriate for the circumstances. However, the contractor agrees to include the following elements:

(1) Employee orientation that describes employee responsibilities for preventing and reporting fraud, waste and abuse. Employees shall be informed of the fines and penalties for: False claims and false statements to the Government; misappropriating properties purchased for use on Government contracts; product substitution; collusive bids; and bribery, unlawful gratuities, mail fraud and wire fraud. Employees shall be informed that, pursuant to 10 U.S.C. 2409, they may not be discharged, demoted or otherwise discriminated against as a reprisal for disclosing to a Member of Congress or an authorized official of the Department of Defense or the Department of Justice information relating to a substantial violation of law related to a defense contract. In addition, employees should be made aware of unethical practices reflecting an actual or apparent conflict of interest (e.g., subcontractor kickbacks, or vendor gratuities).

(2) Prominent display of posters that provide information on Government Inspector General Hotline procedures. Such posters shall be posted in conspicuous places that are available to employees and applicants for employment. Hotline posters are available from the Government. If contractor developed posters are used, they shall, as a minimum, provide Hotline telephone numbers and state that Government Hotline procedures assure employee anonymity.

(3) Informing employees of their responsibilities for assuring the accuracy of their time charges to Government and, in turn, the integrity of the contractor's timekeeping system. Employees should be informed that willfully or knowingly mischarging their time may result in false claims or false statements to the Government and may subject them to a fine and/or imprisonment.

(4) Periodic discussions with employees of their responsibilities and liabilities while working on Government contracts to assure a continual awareness of the Contractor's program for prevention of fraud, waste and abuse.

(b) The contractor shall document employee orientations.

(c) The contractor shall include the substance of this clause, including this paragraph (c), in all subcontracts in excess of $25,000.

(End of clause)

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BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 172

[Docket No. HM-198; Notice No. 86-6]

Molten Sulfur; Molten Materials Generally

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

ACTION: Notice of proposed rulemaking.

SUMMARY: RSPA is proposing to regulate molten sulfur as a hazardous material and make it subject to the hazard warning communications requirements. The proposed changes would cummunicate warning of hazard by means of markings, shipping papers, labeling and placarding. The proposed changes are necessary so that emergency response personnel will have sufficient warning to help them adequately handle incidents involving this material. RSPA is also soliciting information concerning other molten materials, to determine if there is a need to make them subject to the regulations.

DATE: Comments must be received by February 19, 1987.

ADDRESS: Address comments to: Dockets Branch, Office of Hazardous Materials Transportation (DHM-53), U.S. Department of Transportation, Washington, DC 20590. Comments should be submitted, identifying the docket number (Docket HM-198) and, when possible, in five copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 Seventh Street SW., Washington, DC. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Irving R. Abis, Standards Division, Telephone: (202) 366-4488 or Charles Hochman, Technical Division, Telephone: (202) 366-4545. Office of Hazardous Materials Transportation, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: The National Transportation Safety Board (NTSB) has recommended that the RSPA: (1) Regulate molten sulfur and, as appropriate, other molten materials, as hazardous materials, (2) prescribe packaging and handling standards, and (3) incorporate information relating to the hazards of these materials into warning devices and publications available to emergency responders and others involved in the transportation of molten materials.

As background to its Safety recommendation I-85-19, issued on August 12, 1985, the NTSB stated the following:

About 11:50 a.m., P.s.t., on January 19, 1985, a tractor with two tank trailers, operated by Cal Tank Lines, struck the concrete median barrier of the southbound lanes of Interstate 680 on the Benicia-Martinez bridge in Benicia, California. The trailers, carrying molten sulfur, overturned into the northbound lanes. One trailer was destroyed by ensuing fires, and the other was breached in several places. The molten sulfur splashed onto vehicles traveling in the northbound lanes as well as onto the roadway and its shoulders. The sulfur was ignited by an undetermined source and burned for approximately 3 hours. The driver of the truck and the driver of one of the vehicles in the northbound lanes died, and 26 persons were taken to local hospitals: 3 persons were admitted. Persons were evacuated from the area near the accident site, and the roadway was closed for 15 minutes.

Firefighters reported that when they arrived visibility was extremely poor due to a heavy white smoke. In their haste to attend the injured, and because bystanders appeared to be suffering no ill effects from the smoke, the initial responders carried out rescue operations without donning any protective breathing apparatus. These firefighters later were treated for breathing difficulties related to vapors from the burning material. When the fire chief arrived, he tried to identify the cargo by looking for placards, but there were none on the trailers. After the injured had been sent to the hospital, the firefighters turned their attention to dealing with the material spilled from the trailers. Firefighters, now in chemical protective suits, attempted to plug the holes in one of the trailers using wooded plugs, but they were unsuccessful because the molten material ignited the plugs. At the same time, other firefighters were hesitant to apply extinquishants to the burning material on the ground since they did not know what the material was.

About 1:15 p.m., two firefighters approached the cab of the truck and found a waybill and other papers on the ground outside the tractor. Using information from these papers, the carrier was contacted, and at 1:30 p.m. the material was identified as molten sulfur. By that time, several additional persons had been sent to the hospital suffering from either contact burns due to the molten sulfur or inhalation of its combustion products. Even after the firefighters learned the identity of the material, they had difficulty finding information on how to handle the emergency and how to treat those injured in the emergency response guidebooks they had available. Ultimately, the fire chief finally was able to find limited information on handling molten sulfur in the

U.S. Department of Transportation's (DOT) 1984 *Emergency Response Guidebook.*

The molten sulfur was a causal factor in the two deaths and in most of the injuries involved in this accident. When firefighters arrived, the truck driver was alive, but trapped in the cab of his truck. Firefighters attempted to extricate the driver but were forced to retreat due to the heat from the burning sulfur. Sometime after 11:30 p.m., the driver's body was removed from the cab of the truck. The coroner's report listed the cause of the driver's death as "inhalation of fire and smoke with asphyxiation." The other fatality was splashed by molten sulfur as the tanks climbed the barrier. He died 3 days later of thermal burns. Many of those injured as a result of this accident suffered irritation of the mucous membranes. Sulfur dioxide, a combustion product of sulfur, produces this effect.

The NTSB continued:

While the temperature at which molten sulfur is transported is not sufficient to ignite most combustibles, its elevated temperature presents a hazard nevertheless, as this accident involving the deaths of 2 persons and injury to 26 others and substantial property damage demonstrated. The Safety Board is concerned that there may be other unregulated molten materials in the transportation system which also might cause severe casualties involving persons, damage to property, and major disruption to communities.

Therefore the National Transportation Safety Board recommends that the Research and Special Programs Administration:

Regulate molten sulfur and, as appropriate, other molten materials, as hazardous materials, prescribe packaging and handling standards, and incorporate information relating to the hazards of these materials into warning devices and publications available to emergency responders and others involved in the transportation of molten materials. (Class II, Priority Action) (I-85-19).

Classify as priority action on the proposed rulemaking in Docket HM-178 regarding the definition of a flammable solid, and establish a timetable for its completion. Include in the final rule test requirements and clear, objective criteria for shippers to identify those materials included in this hazard class. (Class II, Priority Action) (I-85-20).

RSPA has conducted an analysis of the inherent hazards involved in the transportation of molten materials to determine whether these materials are adequately regulated to provide safe transportation. As part of this analysis, RSPA reviewed the results of a separate investigation of the Benicia, California accident conducted by the National Fire Protection Association that was discussed in the January 1986 issue of *Fire Journal.* Analysis of the investigation report showed the following:

1. Detailed emergency response information on molten sulfur was not immediately available because molten sulfur is not subject to regulation as a hazardous material.

2. Firefighters had difficulty confirming the nature of the cargo.

3. Visibility at the site was severely limited as a result of fog and dense vapors of sulfur dioxide.

RSPA agrees with the NTSB's assessment that molten sulfur should be regulated as a hazardous material. RSPA believes that analysis of the investigation of this incident and other incidents involving molten sulfur justifies the regulation of this material as a flammable solid, even though it may not be in a solid state during transportation. This action is necessary so that emergency response personnel will have sufficient initial warning information to assist them in handling this kind of incident. RSPA has not determined if specific packaging standards are necessary. In this notice RSPA is proposing that molten sulfur be subject only to the general packaging requirements contained in § 173.24. This section contains general packaging requirements for the transportation of all hazardous materials.

This notice also solicits comments on the nature and scope of the transportation of molten sulfur and other molten materials that are currently not regulated as hazardous materials. Evaluation of these comments will aid RSPA in determining whether other molten materials should be regulated, and if specific packaging standards are necessary for the safe transportation of molten sulfur and other molten materials. RSPA will evaluate these comments and then determine if it will propose further amendments to the HMR.

In this notice, RSPA proposes to specifically list molten sulfur in the Hazardous Materials Table (HMT) in § 172.101, and classify the material as a flammable solid. Solid sulfur is currently regulated domestically as ORM-C only for shipments by vessel. Approximately 6 million long tons of molten sulfur are shipped domestically by highway and rail each year. Sulfur, in a molten state, is not currently listed as a hazardous material in the HMT. However, molten sulfur is listed in the Optional Hazardous Materials Table, § 172.102, reflecting regulated status in the International Maritime Dangerous Goods (IMDG) Code. (This table is used for import and export shipments by vessel.) Furthermore, the U.S. Coast Guard presently regulates bulk vessel movements of molten sulfur in Subchapter O of 46 CFR. If the rules proposed in this notice are adopted, molten sulfur would be treated in the same manner as in the U.N. Recommendations. However, since it is unclear whether or not molten sulfur meets the current flammable solid definition contained in § 173.150, the RSPA is proposing to include a plus mark (+) associated with the entry in the HMT. This would indicate that molten sulfur is subject to the regulations as a flammable solid whether or not the material meets the definition of the hazard class contained in § 173.154.

The definition of a flammable solid is less than precise. The NTSB pointed this out in the background to its Safety Recommendations I-85-19 and 1-85-20. A more precise flammable solid definition is under study by the United Nations Committee of Experts on the Transportation of Dangerous Goods (U.N.). Despite the current efforts to improve the definition, the U.N. recommendations classify molten sulfur an a flammable solid.

In addition to proposing to regulate the transportation of molten sulfur, which would have the effect of requiring shipping papers, marking, labeling, and transport vehicle placarding, the RSPA is soliciting comments on the following questions in order to determine the need for further regulation of molten sulfur and other molten materials as appropriate:

1. What molten materials, not currently regulated by DOT, are being transported?

2. At what temperatures are these materials transported?

3. What modes of transportation are being used for the transportation of molten materials?

4. What packagings (bulk and/or non-bulk) are being used for the transportation of molten materials?

5. What is the minimum/maximum quantity of molten materials being transported in any one transport vehicle?

6. What are the hazards associated with the transportation of specific types of molten materials?

7. Should shipping papers, markings, and placarding be required for shipments of all or specific molten materials?

8. Are DOT packaging standards, including specification packagings, necessary for the safe transportation of molten materials?

9. What packaging design criteria are used to minimize the loss of lading as a result of a collision or overturn?

10. Does industry have, or is industry working on, packaging standards for the transportation of any molten material?

11. What accident data is available to demonstrate the suitability of presently used packagings for molten materials?

The RSPA has determined that this rulemaking: (1) Is not "major" under Executive Order 12291; (2) is not "significant" under DOT's policies and procedures (44 FR 11034); (3) will not affect not-for-profit enterprises or small governmental jurisdictions; and (4) does not require an environmental impact statement under the National Environmental Policy Act (40 U.S.C. 4321 et seq.). A regulatory evaluation is available for review in the docket. Based on limited information concerning the size and nature of entities likely affected, I certify that this proposed regulation will not, if promulgated, have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 49 CFR Part 172

Hazardous materials transportation, Labeling, packaging, and containers.

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. The authority citation for Part 172 continues to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1805, and 1808; 49 CFR part 1, unless otherwise noted.

§ 172.101 [Amended]

2. In § 172.101, the Hazardous Materials Table would be amended by adding a new entry as follows:

§ 172.101 Hazardous Materials Table.

/E/A/W	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	Packaging		Maximum net quantity in one package		Water shipments		
					Exceptions	Specific requirements	Passenger carrying aircraft or railcar	Cargo aircraft only	Cargo vessel	Passenger vessel	Other requirements
1	2	3	3(a)	4	5(a)	5(b)	6(a)	6(b)	7(a)	7(b)	7(c)
	ADD										
	Sulfur, molten	Flammable solid	UN 2448	Flammable solid	None	173.24	Forbidden	Forbidden	1	1	Stow separated from oxidizers and away from living quarters.

Issued in Washington, DC, on November 17, 1986, under authority delegated in 49 CFR Part 106, Appendix A.

Alan I. Roberts,

Director, Office of Hazardous Materials Transportation.

[FR Doc. 86-26260 Filed 11-20-86; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for Lomatium bradshawii (Bradshaw's lomatium)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine *Lomatium bradshawii* (Bradshaw's lomatium) to be an endangered species. This action is being taken because the few remnant populations of the species are being threatened by habitat alteration or destruction through agricultural or residential development and competition with encroaching woody vegetation. *Lomatium bradshawii* occurs in isolated pockets of remaining native bottom land prairie habitat in the Willamette Valley of Oregon. A determination of *Lomatium bradshawii* to be an endangered species would implement the protection provided by the Endangered Species Act of 1973, as amended. Comments and materials related to the proposal are now being solicited.

DATES: Comments from the public and the State of Oregon must be received by January 20, 1987. Public hearing requests must be received by January 5, 1987.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Regional Director, U.S. Fish and Wildlife Service, 500 NE. Multnomah Street, Suite 1692, Portland, Oregon 97232. Comments and materials relating to this rule are available for public inspection by appointment during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne S. White, Chief, Division of Endangered Species, U.S. Fish and Wildlife Service, 500 NE. Multnomah Street, Suite 1692, Portland, Oregon 97232 (503/231-6131 or FTS 429-6131).

SUPPLEMENTARY INFORMATION:

Background

Lomatium bradshawii (Bradshaw's lomatium) is a member of a native lowland prairie community endemic to the Willamette Valley of Oregon. It was first collected in 1916 at Salem, and was described as *Leptotaenia bradshawii* in 1934. It was included in *Lomatium* in 1942. It is usually found on low swales in soils that are wet much of the year.

The most significant threat to this plant's survival has been the conversion of native prairie habitat to agricultural land. This habitat is very valuable and productive as farmland, and consequently most of such land in the Willamette Valley is now in agricultural use. Recently, residential/industrial development has encroached upon much of the remaining habitat that supports *Lomatium bradshawii*.

There are eight or nine populations remaining within the plant's former range, scattered from Salem to just south of Eugene, Oregon. These populations vary in size from several thousand plants to only a few individuals. The vigor of these populations also varies considerably. Two of these populations are vulnerable to further suburban development.

The continued existence of this species is threatened by land use conversion, which is eliminating the native prairies in favor of agriculture and other developments. Suppression of fire in some areas also appears to be allowing encroachment of prairie habitat by woody vegetation, resulting in a decline of the *Lomatium*. This rule proposes to determine *Lomatium bradshawii* to be endangered, and implements the protection provided by the Endangered Species Act of 1973, as amended.

Section 12 of the Endangered Species Act of 1973 directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be