

970.5204-2 Integration of Environment, Safety and Health into Work Planning and Execution.

As prescribed in 48 CFR (DEAR) 970.2303-2(a), insert the following clause.

Integration of Environment, Safety and Health into Work Planning and Execution
(Month and Year TBE)

(a) In performing work under this contract, the contractor shall perform work safely, in a manner that ensures adequate protection for employees, the public, and the environment, and shall be accountable for the safe performance of work. Employees include subcontractor employees. In accomplishment of this requirement, the contractor shall implement programs to prevent accidents, releases, and exposures. The contractor shall ensure that management of environment, safety and health (ES&H) functions and activities becomes an integral and discernible part of the contractor's work planning and execution processes. The contractor shall, in the performance of work, ensure that:

(1) Line management is responsible for the protection of employees, the public, and the environment. Line management includes those contractor and subcontractor employees managing or supervising employees performing work.

(2) Clear and unambiguous lines of authority and responsibility for ensuring ES&H are established and maintained at all organizational levels.

(3) Personnel possess the experience, knowledge, skills, and abilities that are necessary to discharge their responsibilities.

(4) Resources are effectively allocated to address ES&H, programmatic, and operational considerations. Protecting employees, the public, and the environment is a priority whenever activities are planned and performed.

(5) Before work is performed, the associated hazards are evaluated and an agreed-upon set of ES&H standards and requirements are established which, if properly implemented, provide adequate assurance that employees, the public, and the environment are protected from adverse consequences.

(6) Administrative and engineering controls to prevent and mitigate hazards are tailored to the work being performed and associated hazards. Emphasis should be on designing the work and/or controls to reduce or eliminate the hazards.

(7) The conditions and requirements to be satisfied for operations to be initiated and conducted are clearly established and agreed-upon. The extent of documentation and level of authority for agreement shall be tailored to the complexity and hazards associated with the work and shall be established in the Safety Management System (System).

(b) The contractor shall manage and perform work in accordance with a documented System that fulfills all conditions in paragraph (a) of this clause at a minimum. The contractor shall exercise a degree of care commensurate with the work and the associated hazards. Documentation

of the System shall describe how the contractor will:

(1) Define the scope of work.
(2) Identify and analyze hazards associated with the work.

(3) Develop and implement hazard controls.

(4) Perform work within controls, and

(5) Provide feedback on adequacy of controls and continue to improve safety management.

(c) The System shall describe how the contractor will establish, document, and implement safety performance objectives, performance measures, and commitments in response to DOE program and budget execution guidance while maintaining the integrity of the System. The System shall also describe how the contractor will measure system effectiveness.

(d) The contractor shall comply with, and assist the Department of Energy in complying with (where identified by the Department),

(i) All applicable Federal and non-Federal ES&H laws, regulations, and

(ii) Applicable directives identified in the clause of this contract on Laws, Regulations, and DOE Directives. The contractor shall cooperate with Federal and non-Federal agencies having jurisdiction over ES&H matters under this contract.

(e) The contractor shall submit to the contracting officer documentation of its System for review and approval. Dates for submittal, discussions, and revisions to the System will be established by the contracting officer. Guidance on the preparation, content, review, and approval of the System addressing all aspects of ES&H is provided in DOE Guide G 450.4, "Integrated Safety Management," and successor documents. Additional guidance regarding the System may be provided by the contracting officer. On an annual basis, the contractor shall review and update, for DOE approval, its safety performance objectives, performance measures, and commitments consistent with and in response to DOE's program and budget execution guidance and direction. Resources shall be identified and allocated to meet the safety objectives and performance commitments as well as maintain the integrity of the entire System. Accordingly, the System shall be integrated with the contractor's business processes for work planning, budgeting, authorization, execution, and change control.

(f) The contractor shall promptly evaluate and resolve any noncompliance with applicable ES&H requirements and the System. If the contractor fails to provide resolution or if, at any time, the contractor's acts or failure to act causes substantial harm or an imminent danger to the environment or health and safety of employees or the public, the contracting officer may issue an order stopping work in whole or in part. Any stop work order issued under this clause (including a stop work order issued by the contractor to a subcontractor in accordance with paragraph (g) of this clause) shall be without prejudice to any other legal or contractual rights of the Government. Thereafter, an order authorizing the resumption of the work may be issued at the discretion of the contracting officer. The

contractor shall not be entitled to an extension of time or additional fee or damages by reason of, or in connection with, any work stoppage ordered in accordance with this clause.

(g) The contractor shall provide in its purchasing system, required under the clause of this contract entitled, Contractor Purchasing System, policies, practices, and procedures for the flowdown of requirements of this clause, as appropriate, to subcontract performance of work on-site at a DOE-owned or-leased facility. Such subcontracts shall require the submittal of a documented description of the subcontractor's Safety Management System to the contractor for review and approval. Dates for initial submittal, discussions, and revisions to the subcontractor's System will be established by the contractor. Guidance on the preparation, content, review, and approval of the subcontractor's System will be provided by the contractor. Such subcontracts shall provide for the right to stop work under the conditions described in paragraph (f) of this clause.

(h) The contractor shall be responsible for compliance with the ES&H requirements applicable to this contract regardless of the performer of the work.

(i) For the purposes of this clause, safety encompasses environment, safety and health, including pollution prevention and waste minimization.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on Proposed Endangered Status in Arizona and Threatened Status in Texas for the Cactus Ferruginous Pygmy-Owl

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of reopening of comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) gives notice that the comment period will be reopened on the proposed rule to list the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*) as an endangered species in Arizona with critical habitat and as threatened in Texas. The reopening of the comment period will allow all interested parties to submit written comments on the proposal.

DATES: The comment period for this proposal will be reopened on October 10, 1996 and will close on November

12, 1996. Comments must be received by the closing date. Any comments that are received after the closing date may not be considered in the final decision on the proposal.

ADDRESSES: Written comments should be sent to the Supervisor, U.S. Fish and Wildlife Service, Ecological Services Field Office, 2321 W. Royal Palm Road, Suite 103, Phoenix, Arizona 85021-4951. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above Service address.

FOR FURTHER INFORMATION CONTACT: Mary Richardson, Phoenix Ecological Services Field Office (see **ADDRESSES** section) (telephone 602/640-2720; facsimile 602/640-2730).

SUPPLEMENTARY INFORMATION:

Background

The breeding range of the cactus ferruginous pygmy-owl extends from south-central Arizona south through western Mexico, and from southern Texas south through northeastern Mexico. Within these regions, the species occurs in riverbottom woodlands, coastal plain oak associations, thornscrub, and Sonoran

desert scrub. The cactus ferruginous pygmy-owl is threatened to varying degrees across its range by loss and modification of habitat, lack of adequate protective regulations, and other factors. A proposed rule to list this species as endangered with critical habitat in Arizona and as threatened in Texas was published in the Federal Register (59 FR 63975) on December 12, 1994. The proposed rule includes additional information on the species, its habitat requirements, and causes of decline.

Pursuant to 50 CFR 424.16(c)(2), the Service may extend or reopen a comment period upon finding that there is good cause to do so. Full participation of the affected public in the species listing process and allowing the Service to consider the best scientific and commercial data available in making a final determination on the proposed action, are deemed as sufficient cause. This comment period is being reopened to allow for the identification and consideration of data that may have been collected since the passage of Public Law 104-6 and the resulting moratorium on final listings of endangered or threatened wildlife and plants which suspended efforts to

finalize the listing determination for the cactus ferruginous pygmy-owl.

The comment period on the proposal was originally opened December 12, 1994, through April 11, 1995, and was reopened May 1, through May 30, 1995. Public hearings were held in Tucson, Arizona, on May 8, 1995, and Weslaco, Texas, on May 10, 1995. Legal notices announcing this comment period reopening will be published in newspapers concurrently with the Federal Register notice. Written comments must be submitted on or before November 12, 1996 to the Service office in the **ADDRESSES** section.

Author

The primary author of this notice is Jeffrey A. Humphrey (see **ADDRESSES** section).

Authority

The authority for this action is 16 U.S.C. 1531-1544.

Dated: October 4, 1996.

Lynn B. Starnes,
*Acting Regional Director, Southwest Region,
Fish and Wildlife Service.*

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