

within 30 days of the date of the Government's invoice.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

4. Section 252.251-7000 is amended to revise paragraph (d)(4) and add a new paragraph (f) to read as follows:

252.251-7000 Ordering from Government supply sources.

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ORDERING FROM GOVERNMENT SUPPLY SOURCES (XXX 1994)

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(d) * * *

(4) Pay invoices from Government supply sources within 30 days of the date of the invoice. For purposes of computing interest for late Contractor payments, the Government's invoice is deemed to be a demand for payment in accordance with the Interest clause of this contract. The Contractor's failure to pay may also result in the Contracting Officer terminating the Contractor's authorization to use Government supply sources. In the event the Contracting Officer terminates the authorization, such termination shall not provide the Contractor with an excusable delay for failure to perform or complete the contract in accordance with the terms of the contract, and the Contractor shall be solely responsible for any increased costs.

(e) * * *

(f) Government invoices shall be submitted to the Contractor's billing address, and Contractor payments shall be sent to the Government remittance address specified below:

Contractor's Billing Address (include point of contract and telephone number):

Government Remittance Address (include point of contact and telephone number):

(End of clause)

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 192

[Docket No. PS-118; Notice 4]

RIN 2137-AB97

Excess Flow Valve Installation on Service Lines

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

ACTION: Notice of reopening comment period.

SUMMARY: This notice of reopening comment period invites public comment on a rulemaking proposal

submitted by a group designated as the Joint Commenters. The Joint Commenters submitted the proposal as an alternative to a previously issued Notice of Proposed Rulemaking (NPRM) proposing requirements for the installation of excess flow valves (EFVs) on certain new and replaced gas service lines to improve safety and mitigate the consequences of service line incidents. EFVs shut off the flow of gas by closing automatically when a line is broken. RSPA solicits public comments on this alternative proposal for consideration in this rulemaking.

DATES: Interested persons are invited to submit written comments on this proposed alternative by October 3, 1994; however, late filed comments will be considered to the extent practicable. All persons must submit as part of their written comments all of the material that they consider relevant to any statement of fact made by them.

ADDRESSES: Send comments in duplicate to the Dockets Unit, Room 8421, Office of Pipeline Safety, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590. Identify the docket and notice numbers stated in the heading of this notice. All comments and other docketed material will be available for inspection and copying in Room 8421 between the hours of 8:30 a.m. and 5:00 p.m. each working day.

FOR FURTHER INFORMATION CONTACT: Jack Willock, or Lloyd Ulrich at (202) 366-2392, regarding the subject matter of this notice, or the Dockets Unit, (202) 366-4453, regarding copies of this notice or other material in the docket that is referenced in this notice.

SUPPLEMENTARY INFORMATION:

Background Information

In 1993, RSPA published a notice of proposed rulemaking (NPRM) (Docket PS-118; Notice 2; 58 FR 21524; April 21, 1993), titled "Excess Flow Valve Installation on Service Lines" proposing to amend 49 CFR Part 192 to require installation of EFVs on new and replaced single residence service lines operating at a pressure of 10 psig or more. This NPRM also proposed performance standards for EFVs and proposed conditions under which EFVs must be installed. The comment period to this NPRM closed June 21, 1993, but late filed comments were to be considered to the extent practicable. The Joint Commenters filed Joint Supplemental Comments on December 20, 1993. In this document, the Joint Commenters propose regulatory language that those interests they

represent could support if RSPA were to adopt their proposal. The entire Joint Commenters' proposal is available in the docket for review.

The Joint Commenters represent diverse interests including EFV manufacturers, a gas safety organization, and two gas pipeline distribution company organizations. The Joint Commenters do not include interests from state and local governments. Although not signatory to the Joint Supplemental Comments, the National Transportation Safety Board (NTSB) agrees with their recommendations. NTSB's comments are also available in the docket for review.

RSPA is reopening the comment period to seek public comment on the safety merits of the Joint Commenters' proposed alternative. RSPA is particularly interested in comments on whether it should adopt any or all of the alternative proposed requirements, with comments specifying which requirements and why.

Bypass Feature

RSPA is interested in receiving comments regarding the safety of installing and operating EFVs with or without the bypass feature. The NPRM proposed to disallow the bypass feature in an EFV whereas the Joint Commenters proposed to allow the feature. The bypass allows the EFV to reopen through use of a gas bleed-by that repressures the service line after it has been repaired. Upon repressuring, the EFV opens and service to the residence is restored.

Two large local distribution operators have pointed out potential hazards caused by automatically resetting EFVs reopening after closure. One of the distribution operators gave two examples of such hazards. First, the operator explained that many older appliances, such as space heaters and old conversion units, as well as many newer appliances, are not equipped with safety shut off valves designed to close when the flow of gas is interrupted, such as when a service line is severed. The operator explained that without the protection of safety shut off valves, such appliances would discharge raw gas into a building after service has been restored through the bypass following an EFV activation unless operator personnel visit each customer and manually relight the appliances.

In the second example, the operator cited a situation where gas would have been discharged into a residence even though safety shut off valves were installed. The operator stated that during a manual relight by operator

personnel of about 200 customers after loss of service, it discovered the safety shut off valves on two water heaters and one furnace had failed to close and would have discharged raw gas into the residences without the manual relight. This example of safety devices failing to work again points out the potential danger involved in automatic restoration of service absent operator personnel visiting each customer to manually relight appliances.

Because of the potential danger pointed out in these two examples, RSPA seeks comment on the conditions under which automatically resetting EFVs should or should not be required in residential service lines.

The other operator cited another potential hazard with automatic resetting EFVs. This operator said that an automatic resetting EFV could allow a damaging party to repair the service and place it back in operation without informing the operator, resulting in greater danger to the public from migrating gas than from the broken service itself. The operator said because it is common for a contractor to pinch back a line and fail to call the operator, the only way to ensure this does not occur is to install manually resetting valves. Manually resetting EFVs would require a service call by a service representative with equipment capable of back-pressuring the line in order to restore service. The service representative would not restore service without checking and relighting all appliances.

As stated in the NPRM, RSPA believes that each operator needs to be informed of all service line ruptures to assure that the line is repaired properly and returned to service in a safe operating condition. However, this operator indicated that because it is common practice for a contractor to repair a line and not call the operator, the operator is not assured that the repair is completed safely. Furthermore, the NPRM discussed an incident in a commercial building that resulted in

eight deaths following an unreported, unsanctioned repair to a service line. Although an EFV would not be required in service to a commercial building under the proposed rule, the incident points out the potential for misuse by someone making unauthorized repairs.

RSPA seeks comment on the linkage between the bypass and unauthorized repairs to damaged service lines. In particular, RSPA seeks information on whether EFVs with the bypass would reduce pipeline safety by protecting a damaging party who makes unauthorized repairs to the damaged service line.

RSPA also seeks comment on all costs and benefits associated with manually excavating and resetting EFVs that do not have a bypass or reset feature. Of special interest are any benefits to be gained by reducing the number of unauthorized repairs and the incidents resulting therefrom.

Contaminants in the Gas Stream

Both the NPRM's and Joint Commenters' proposals do not require EFV installation when contaminants in the gas stream would cause the EFV to malfunction. In this regard, RSPA seeks information on criteria for determining the pipeline areas where contaminants may preclude the installation of EFVs.

Performance Standards

Due to the lack of industry standards for EFVs, the NPRM proposed performance standards concerning EFV construction and operation to assure an adequate level of safety. The Joint Commenters' proposal eliminates most of these proposed standards. RSPA has become aware that two pipeline safety standard committees, American Society for Testing Materials (ASTM) F17 and American National Standards Institute/Gas Piping Technology Committee (ANSI/GPTC) Z380, are studying EFVs. The F17 group is developing standard test procedures for uniform performance testing of EFVs and expects to issue emergency standards soon. The emergency standards would expire

upon completion of the normal ASTM standard cycle and issuance of permanent standards.

The Z380 committee is evaluating the need for using EFVs. They are also determining appropriate applications for the device. The standardized requirements should provide a higher level of reassurance about the reliability of EFVs. Reliability has been a concern due to the past absence of participation by pipeline industry-sponsored safety standard committees. Should RSPA await the completion of performance standards by either or both of these professional committees before proceeding with this EFV rulemaking?

Impact Assessment

RSPA prepared a regulatory evaluation to accompany the NPRM. This evaluation is on file in the Docket. Each year, according to the evaluation, about 300,000 new high pressure service lines are installed and 600,000 existing high pressure service lines are replaced. At a cost of \$20 per EFV, the estimated annual impact of requiring EFV installation as proposed in both alternatives would be \$18 million. Aggregate annual savings of \$19-\$31 million would result from reduced deaths, injuries, fires, explosions and evacuations.

The Joint Commenters say that the regulatory evaluation contains errors. RSPA seeks additional comments if new information is available. RSPA seeks information on where specifically the analysis is in error, and, if so, where specifically should it be changed? Please justify any proposed changes with supporting data.

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60110, 60113 and 60118; 49 CFR 1.53.

Issued in Washington, DC, on July 27, 1994.

George W. Tenley, Jr.,

Associate Administrator for Pipeline Safety.
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