

SUBCHAPTER A—HELIUM AND COAL

PART 601—SALES OF HELIUM BY AND RENTAL OF CONTAINERS FROM THE BUREAU OF MINES

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AUTHORITY: Pub. L. 86-777, approved Sept. 13, 1960, 74 Stat. 918 (50 U.S.C. 167-167n).

SOURCE: 46 FR 37506, July 21, 1981, unless otherwise noted.

§ 601.1 Purpose.

The purpose of this part 601 is to establish procedures governing the sale of helium and related services by the Bureau of Mines, and the rental of helium containers from the Bureau of Mines.

§ 601.2 Definitions.

(a) *Act* means the Helium Act, Pub. L. 86-777, approved September 13, 1960 (74 Stat. 918; 50 U.S.C. 167-167n).

(b) [Reserved]

(c) *Helium plant* means a facility operated by or for the U.S. Bureau of Mines for the production, purification, repurification, or shipment of helium.

(d) *Bureau* means the Bureau of Mines of the Department of the Interior.

(e) *Purchaser* means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, state or political subdivision thereof, having a new (after revision of this part) helium purchase contract with the Bureau, and any agency of the U.S. Government, purchasing helium from the Bureau or using helium containers rented from the Bureau.

(f) *Grade-A helium* means the grade of helium produced at the Bureau's helium plants, and is 99.995 percent pure helium, or better by volume.

(g) *Standard cubic foot (scf)* is a

1-cubic foot volume of Grade-A helium measured at a pressure of 14.7 pounds per square inch absolute and a temperature of 70 °Fahrenheit.

(h) *Cylinder* means a standard-type cylinder of approximately 1.5 cubic feet internal volume, designed for a filling pressure of 1,800 pounds per square inch gage or more, which will stand vertically without external support with the center of the valve outlet not less than 50½ inches nor more than 58½ inches above the floor, equipped with a standard-type cylinder valve, safety relief device, and valve-protective cap, or a similar cylinder acceptable to the Bureau as a standard type.

(i) *Valve* means a standard-type cylinder valve acceptable to the Bureau of Mines having a valve outlet conforming to Specification No. 580 or No. 350 as described by the latest edition of Compressed Gas Association, Inc., Pamphlet V-1, ANSI B57.1-1977; *Provided*, That at the Bureau's option, valves with outlets conforming to other specifications may be accepted as alternate standards.

(j) *Tank car* means a railroad car permanently equipped with multiple tubes manufactured in accordance with 49 CFR 179.500.

(k) *Tube trailer* means a road-type semitrailer without motive power permanently equipped with multiple tubes manufactured in accordance with 49 CFR 178.36, 178.37, or 178.45.

(l) *Tube module* means one or more seamless steel tubes, manufactured in accordance with 49 CFR 179.500, that by means of a framework are joined together to form a unit. Valves may be manifolded.

(m) *Liquid helium trailer* means a special road-type semitrailer without motive power, equipped with a vacuum-jacketed container suitable for transporting 1,000 U.S. gallons or more of liquid helium. The container may be separable or an integral part of the chassis and dependent upon design, may or may not require a Department of Transportation (DOT) special permit for transporting.

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(n) *Liquid helium dewar (dewar)* means a portable or skid-mounted, vacuum-jacketed container suitable for shipping less than 1,000 U.S. gallons of liquid helium.

(o) *Schedule of Prices and Charges (Schedule)* means a listing of prices and charges for products and services provided under contract pursuant to this part.

(p) *Federal Agency* is any department, independent establishment, commission, administration, foundation, authority, board, or bureau of the U.S. Government, or any corporation owned, controlled, or in which the U.S. Government has a proprietary interest, as these terms are defined in 5 U.S.C. 101-05; 5 U.S.C. 551(1); 5 U.S.C. 552(e); or in 18 U.S.C. 6, but does not include Federal agency contractors.

(q) *Contracting officer* is the person executing a contract on behalf of the Government, and includes any duly appointed successor.

§ 601.3 Contract application forms and procedures.

(a) Any prospective helium purchaser may make application to the Bureau to become a purchaser of helium, and, if desired, rent containers from the bureau and, upon meeting the requirements of this part and upon execution of a purchase (and container rental) contract with the Bureau, may purchase helium (and rent containers) from the Bureau. To be eligible, a prospective purchaser must: demonstrate adequate financial resources to pay for helium and helium-related services in advance, hold a certificate of competency and/or a determination of eligibility from the Small Business Administration if the prospective purchaser is a small business concern and is determined to be nonresponsible and/or ineligible by the contracting officer, and be otherwise qualified and eligible to enter into a Bureau contract under applicable laws and regulations.

(b) The information collection requirement contained in this paragraph has been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1032-0111. The information is being collected to identify firms desiring to enter into a contract. This infor-

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mation will be used to complete contract documents and establish cash advance required. The obligation to respond is required to obtain a benefit.

(c) The contract shall include, among other things, duties and responsibilities of the parties, definitions, term, minimum contract volume, and other conditions, such as advance payments, deposits, surety bonds, repurchase rights of the Government, liabilities, reservations with respect to sales and deliveries, power of inspection, notification to repurchasers, violations and penalties, cancellation and assignment of contract, termination, general provisions, and standard provisions.

(d) Application forms are available upon written request from Division of Helium Operations, 1100 S. Fillmore St., Amarillo, Texas 79101. Applicable contract form(s) and Schedule will be included for examination by the prospective purchaser.

(e) Upon approval by the Contracting Officer of the returned application, the contract will become effective when executed by both parties.

§ 601.4 [Reserved]

§ 601.5 Schedule of prices and charges.

(a) The Schedule of Prices and Charges (Schedule) is published by the Bureau of Mines, Division of Helium Operations, and is periodically updated. The Schedule is available upon request from the Division of Helium Operations, 1100 S. Fillmore St., Amarillo, Texas 79101, telephone 806-376-2638 or FTS 735-1638. The Schedule shows prices and charges for helium, ordinary related services, use or rental of Bureau-owned helium containers or equipment, cash advance, and deposit required, and bonds and/or insurance to guarantee return of containers.

(b) Terms and conditions under which products and services can be acquired under contract pursuant to this part are shown in appendix 1 to the Schedule. The terms and conditions are reviewed at least annually, and are revised as required.

(c) Revisions to the Schedule are determined at least annually by the Division of Helium Operations in accordance with Office of Management and

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Budget (OMB) Circular No. A-25, as revised. In no case will a revised Schedule become effective in less than 30 days after date of distribution to all Bureau helium customers known at the time of distribution.

§ 601.6 Purchase price of helium.

(a) The purchase price of Grade-A helium shipped f.o.b. origin shall be the price stated in the Schedule that is in effect on the date the helium is shipped from the helium plant.

(b) [Reserved]

(c) The purchase price of Grade-A helium shipped f.o.b. destination shall be the price stated in the Schedule that is in effect on the date the helium is shipped from the helium plant plus any service charges, container charges, transportation charges, and other charges incurred in making such delivery. Delivery of helium f.o.b. destination is made only in Bureau-furnished containers.

§ 601.7 Service charges.

In addition to the purchase price of helium, the following charges for services and use of equipment rented from the Bureau shall be paid by the purchaser.

(a) *For filling containers.* The charge for filling helium containers shall be as shown in the Schedule that is in effect on the date the helium is shipped from the helium plant.

(b) *For ordinary work performed on containers supplied by the purchaser and for ordinary services performed in connection with shipment of helium from a helium plant.* The charge for ordinary work shall be as shown in the Schedule that is in effect on the date the work is performed.

(c) *For extraordinary expenses.* Such expenses incurred in connection with any contract or delivery for which prices are not stated in the effective Schedule including, but not limited to, costs of work on purchaser's containers, filling, servicing, and rental of containers of types other than those stated in the effective Schedule, purifying helium beyond normal plant purity, (delete "liquefying helium") analytical services, shipment of helium from other than a helium plant selected by the Bureau, and unusual han-

dling, transportation, and communications, may be determined by the Bureau and charged to the purchaser as they arise on the basis of the cost of rendering the services, making due allowance for contingencies, overhead expense, and commercial common-carrier rates.

(d) *For use of helium containers supplied by the Bureau.* The charge for use of each Bureau-supplied container shall be as shown in the Schedule in effect on the date of shipment from a helium plant.

§ 601.8 Settlements under existing contracts.

Contracts for the purchase of helium or for the rent of Bureau-owned shipping containers which are in effect on the effective date of the amended regulations in this part shall remain in effect, subject to the terms and conditions of the amended regulations in this part, for a period of not more than 90 days after the effective date of these amended regulations or until replaced by new contract or contracts as described in these amended regulations, should such replacement occur prior to expiration of the 90 days. In the event that purchaser does not enter into replacement contract or contracts within 90 days after effective date of these regulations, the existing contract(s) shall terminate and purchaser shall pay any sums due Bureau under terms of the contracts and shall return any Bureau-owned shipping containers outstanding under any container rent contract so terminated.

§ 601.9 Shipping containers.

(a) *Containers may be provided by the purchaser or the Bureau.* The purchaser may provide containers or may request the Bureau to provide them under contract. Containers provided by the purchaser must be satisfactory to the Bureau in all respects, must be free internally from oil or water, and shall comply with the requirements for shipment in interstate commerce. The Bureau will not use or fill any container which in its opinion is unsafe or unsuitable.

(b) *Provisions applicable to all types of containers supplied by the Bureau.* Specific provisions for all types of containers, such as, cylinders, tank

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cars, tube trailers, tube modules, liquid helium trailers, and liquid helium dewars, are detailed in the container rental contract and the Schedule.

§ 601.10 [Reserved]

§ 601.11 Applicability to Federal Agencies.

The regulations in this part are applicable to Federal agencies procuring

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helium or services from Bureau or using containers furnished by Bureau; *except that* Federal agencies shall not be required to: (a) enter into contracts for the purchase of helium or lease of containers, (b) furnish advance payments, or (c) provide surety for the return of containers or payment of bills.