

Dated: March 10, 1995.

C. Allen Olson,

*Director, Office of Federal Acquisition Policy,
General Services Administration.*

[FR Doc. 95-6623 Filed 3-16-95; 8:45 am]

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1805

Revision to NASA Supplement Coverage on Advance Notification of Significant Procurement Actions

AGENCY: Office of Procurement, Contract Management Division, National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: NASA is adding a requirement regarding the notification to the NASA Administrator of significant procurement actions. These actions include contractor selections for competitive procurements valued at \$25 million or more and noncompetitive contract awards valued at \$100 million or more. The purpose of this notification process is to ensure that the Administrator has knowledge of these actions in case of congressional or public inquiries.

EFFECTIVE DATE: March 17, 1995.

ADDRESSES: Office of Procurement, Contract Management Division (Code HK), NASA Headquarters, 300 E Street SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah O'Neill, (202) 358-0440.

SUPPLEMENTARY INFORMATION:

Background

Advance notification to the NASA Administrator of large and potentially sensitive contract actions is necessary to ensure that the Administrator has knowledge of these actions in case of Congressional or public inquiries either before or immediately after public announcement of the actions. Notification must be provided to NASA Headquarters (Code HS), by facsimile transmission, at least five (5) work days prior to the intended public announcements of contractor selection and contract award actions. This allows sufficient time for the information to be provided to the Administrator within the Administrator's normal work flow system. Field installations are not to proceed with any announcements until Code HS has advised that the Administrator has been notified of the proposed action and the supporting information.

Availability of NASA FAR Supplement

The NASA FAR Supplement, of which this proposed coverage will become a part, is codified in 48 CFR chapter 18, and is available in its entirety on a subscription basis from the Superintendent of Documents, Government Printing Office, Washington, DC 20402. Cite GPO Subscription Stock Number 933-003-00000-1. It is not distributed to the public, whether in whole or in part, directly by NASA.

Regulatory Flexibility Act

NASA certifies that this final rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Paperwork Reduction Act

This rule does not impose any information collection subject to 44 U.S.C. chapter 35.

List of Subjects in 48 CFR Part 1805

Government procurement.

Deidre A. Lee,

Associate Administrator for Procurement.

Accordingly, 48 CFR part 1805 is amended as follows:

1. The authority citation for 48 CFR part 1805 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

PART 1805—PUBLICIZING CONTRACT ACTIONS

1805.303-70 [Added]

2. Sections 1805-303.70 and 1805-303.71 are redesignated as sections 1805.303-71 and 1805-303.72, and a new section 1805.303-70 is added to read as follows:

1805.303-70 Notification of significant procurement actions.

(a) NASA Headquarters (Code HS) shall be notified of the following procurement actions at least five (5) workdays prior to planned public announcement of the actions:

(1) Planned announcement of contractor selection and planned contract award for competitive procurements of \$25 million or more.

(2) Planned contract award of noncompetitive awards and new work modifications of \$100 million or more.

(3) Planned award of other procurement actions at any dollar value thought to be of significant interest to Headquarters.

(b) Field installation procurement officers shall send the information listed in paragraphs (b) (1) through (10) of this section to NASA Headquarters (Code

HS) via facsimile transmission (202-358-4065). Immediately prior to transmission, Code HS shall be notified by telephone (202-358-2080) of the impending transmission so that a person may immediately receive the transmission. Code HS will hand-carry the notification to the Office of the Administrator (Code A) and provide a copy to the Associated Administrator for Procurement (Code H) to limit access to the information to those persons authorized to receive such information as described in 48 CFR (FAR) 1803.104-5(c). In accordance with 48 CFR (FAR) 3.104-5(c), all pages that include source selection information shall be marked with the legend "SOURCE SELECTION INFORMATION—SEE FAR 3.104." The information to be sent is as follows:

(1) Title and a brief nontechnical description of the work, including identification of the program or project.

(2) Type of action (whether the action will result in a new contract or is for additional work under an existing contract).

(3) Type of contract (e.g., Firm-Fixed-Price or Cost type, including whether the cost contract is completion or level-of-effort).

(4) The total contract value for the instant action including all priced options (for selection notifications, this would be the successful offeror's best and final offer (BAFO) amount and, for award notifications, the negotiated value of the contract). Also include the Government's most probable cost.

(5) The name, address, and business size status of the prime contractor and each major (over \$1M) subcontractor.

(6) Small business and small disadvantaged business subcontracting goals both in dollars and percentage of the value of the action including all options.

(7) Work performance location.

(8) Unusual circumstances (briefly describe any facts or events that bear upon this procurement and make it unusual).

(9) Contacts (names and telephone numbers of a prime and alternate center points of contact).

(10) Provide the following information on a separate piece of paper attached to the data for paragraphs (b) (1) through (9) of this section: *For competitive selections only*, furnish the names and addresses of all unsuccessful offerors and a brief explanation of the general basis for the selection, noting that any detailed questions or requests for more specific information should be referred to the source selection official.

(c) Field installations are not to proceed with any announcements until Code HS has advised that the

Administrator has been notified of the proposed action and the supporting information. Once this advice is received from Code HS, field installations should proceed with established notification to offerors and press release procedures (See 1805.303-71 and 1805.303-72).

1805.303-71 [Amended]

3. In the redesignated section 1805.303-71, paragraph (a)(1)(iv) is amended by deleting the phrase "and section 1805.303-70".

[FR Doc. 95-6440 Filed 3-16-95; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 192

[Docket No. PS-113; Amendment 192-71A, 195-49A]

RIN 2137-AB44

Operation and Maintenance Procedures for Pipelines

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

ACTION: Final Rule: Response to Petition for Reconsideration.

SUMMARY: On February 11, 1994, RSPA issued a final rule amending existing operation and maintenance (O&M) procedures for gas pipeline facilities. The American Gas Association (Petitioner or A.G.A.) filed a Petition for Reconsideration (petition) concerning five provisions of the final rule. After careful consideration of the petition, RSPA concludes the petition should be denied in part, and granted in part. RSPA is granting those aspects of the petition that relate to: (1) procedures required to be included in an operator's O&M manual, and (2) the extent of the requirement to address malfunctions and other deviations during abnormal operations.

EFFECTIVE DATE: This final rule takes effect April 17, 1995.

FOR FURTHER INFORMATION CONTACT: Mike Israni (202) 366-4571, concerning the contents of this final rule, or the Dockets Unit, (202) 366-4453, regarding copies of this final rule or other material in the docket.

SUPPLEMENTARY INFORMATION:

Background

RSPA promulgated the final rule on Operations and Maintenance Procedures

for Pipelines (59 FR 6579; February 11, 1994) pursuant to 49 U.S.C. 60101 *et seq.* The purpose of the rule is to ensure that gas pipeline operators maintain thorough gas pipeline operation and maintenance (O&M) procedures. Gas pipeline operators are now required to include detailed procedures on normal and abnormal operation, maintenance and emergency-response activities in their O&M manual. Gas pipeline operators are also responsible for annually reviewing and updating their O&M manual. Furthermore, both gas and hazardous liquid pipeline operators are required to prepare procedures to be followed to safeguard personnel from the hazards associated with the unsafe accumulation of vapor or gas in excavated trenches. As RSPA explained in the final rule, these actions will reduce the likelihood of pipeline failures, and provide a better basis for personnel training.

Summary of Petition and Comments on Petition

In its petition, A.G.A. raised five issues relating to various aspects of the final rule, and requested that RSPA modify or clarify the final rule accordingly. The following sections summarize the issues raised in the petition, and provide RSPA's response to each request.

I. Extent of a Gas Pipeline Operator's Annual Review of its O&M Manual

Petitioner asserts that the requirement that an operator review its activities periodically to determine the effectiveness of its operation and maintenance procedures (49 CFR 192.605(b)(8)) coupled with the limited amount of time estimated to be required to complete an annual update of an operator's procedures supports a change in 49 CFR 192.605(a). Specifically, petitioner urges that the annual review required by section 192.605(a) be limited to changes needed to address any new regulatory changes. Petitioner overstates the burden that an annual review would place on operators if the review is not limited to updates because of regulatory changes. Although the annual review is not limited to regulatory changes, § 192.605(a) does not require an annual line-by-line review of every procedure contained in an operator's manual. Neither does it require an annual comprehensive review of an operator's activities to determine whether changes to the operation and maintenance manual are needed.

The annual review under § 192.605(a) requires that an operator annually review its manual, and that deficiencies

identified during periodic reviews of activities (under § 192.605(b)(8)) are addressed. While serious deficiencies, possibly identified following an accident, may require immediate correction of operating procedures, other deficiencies may await an annual update. Updating of operation and maintenance procedures on a regular, established basis makes good business sense and enhances the safe operation of the pipeline. Retaining outdated procedures could confuse an operator's personnel as to the appropriate course of action.

Petitioner stated that 4.4 hours is insufficient time for one of its member operators to complete this review. We agree. The 4.4 hours noted in the preamble was based on 54,300 operators. The majority (52,000) of these operators are the master meter operators, whose plans are expected to be very simple and will have a minimal effect. In the justification to support the Paperwork Reduction Act, RSPA calculated that the initial burden was 104.3 hours per operator (based on 2,300 operators), excluding master meter operators. This 104.3 hours includes 52.2 hours that were already required by earlier O&M regulations. The additional 52.1 burden hours represent a one-time effort to develop additional O&M procedures that will affect these 2,300 operators only in the first year following the publication of this regulation. After the first year, the burden hours of all O&M regulations will return to the annual 52.2 hours per year per operator. The paper work justification is filed in the Docket.

Accordingly, Petitioner's request to limit the annual review required by § 192.605(a) is denied.

II. Procedures Required To Be Included in an Operator's O&M Manual

In its petition, A.G.A. asserts that section 192.605(b) of the final rule should be clarified to reflect that an operator must only include procedures in its manual that are applicable to its particular pipeline system (49 CFR 192.605(b)). Petitioner believes that as written, the regulation requires a gas pipeline operator to include O&M procedures responsive to all of the procedural requirements listed under sections 192.605(b)(1)-(10), regardless of whether particular regulations are applicable to an operator's pipeline system.

In the final rule, § 192.605(b) requires that the O&M manual required by § 192.605(a) must include certain specific procedures to provide safety during maintenance and operations. Sections 192.605(b)(1)-(10) list ten