

NAPSR had recommended "immediate" remedial action, RSPA/OPS proposed prompt action to allow operators some latitude in scheduling maintenance.

AGA, Gulf South, and Southwest were concerned that disagreements would arise between government inspectors and operators over the meaning of "prompt." In this regard, City Utilities suggested RSPA/OPS define "prompt remedial action" as not to exceed 6 months. In addition, AGA, GPTC, Gulf South, Peoples, PSE&G, and Yankee suggested that instead of promptly repairing an inoperable valve, operators should have latitude to designate another valve as an emergency valve if the other valve accomplishes the same function as the inoperable valve.

Occasional disagreements over whether remedial action is done promptly may be unavoidable. However, operators can reduce opportunities for disagreements if they assign priority to inoperable emergency valves in their repair schedules. Operators can also look to their experience in promptly correcting corrosion control deficiencies under § 192.465(d). RSPA/OPS decided not to establish a time limit for "prompt remedial action" because it could promote unnecessary delay and erode the latitude operators need in scheduling repairs.

Section 192.605(b)(1) requires operators to have procedures for carrying out the valve maintenance requirements of § 192.745. In their procedures, operators identify which valves they must inspect annually because they may need them during an anticipated emergency. If different valves are available for the same function, they only have to identify and inspect one of them to meet § 192.745. So the present rule allows operators latitude to designate an equivalent alternative valve rather than repair an inoperable valve. The proposed rule would not affect this latitude. It would only affect the time to correct an inoperable valve if the operator does not designate an alternative valve. Nevertheless, to assure no one misunderstands the alternative-valve option, RSPA/OPS has included it in final § 192.745. A similar option is in proposed § 192.747 concerning the maintenance of distribution valves.

Section 192.747 Valve Maintenance: Distribution Systems. Section 192.747 requires annual inspection and servicing of each valve that operators may need for safe operation of a distribution system. RSPA/OPS proposed to amend this section to require prompt remedial action to

correct any valve found inoperable, unless the operator designates an alternative valve.

AGA and Southwest were concerned that disagreements would arise between government inspectors and operators over the meaning of prompt. City Utilities suggested RSPA/OPS define "prompt remedial action" as not to exceed 6 months. As RSPA/OPS stated previously regarding similar comments on proposed § 192.745, some disagreement may be inevitable, but operators can reduce the chance of disagreement by prioritizing the repair of inoperable valves. They can also consider their compliance practices in promptly correcting corrosion control deficiencies. As with final § 192.745, RSPA/OPS decided not to set a time limit on "prompt remedial action" because it could promote unnecessary delay and erode the latitude operators need in scheduling repairs.

Iowa suggested RSPA/OPS also require prompt remedial action for inaccessible valves. RSPA/OPS addressed the issue of inaccessible safety valves in the NPRM. RSPA/OPS reasoned that if a designated safety valve becomes inaccessible, usually because of paving, the operator should discover the problem no later than the next inspection. Then the operator would have to either correct the problem to enable inspection within the permitted interval or designate an alternative safety valve. Given these circumstances, RSPA/OPS did not propose an additional regulation to insure that operators promptly correct inaccessible safety valves.

Advisory Committee

The Technical Pipeline Safety Standards Committee considered the NPRM and the associated evaluation of costs and benefits at a meeting in Washington, DC on March 27, 2003. This committee is a statutory, advisory committee that advises us on proposed safety standards and other policies for gas pipelines. It has an authorized membership of 15 persons, five each representing government, industry, and the public. Each member has qualifications to consider the technical feasibility, reasonableness, cost-effectiveness, and practicability of proposed pipeline safety standards. A transcript of the meeting is available in Docket No. RSPA-98-4470.

In discussing the NPRM, the committee focused on the proposed change to § 192.353, which emphasizes that operators must protect meters and regulators from vehicular damage. One member was concerned the proposed rule would apply to installations where

vehicular damage is unlikely to occur, such as inside buildings or far away from traffic. This member wanted to limit the proposed rule to installations where the potential for vehicular damage is significant. All but one committee member agreed, and the committee suggested changing the proposal to read as follows:

Each meter and service regulator installed inside a building must be installed in a readily accessible location and be protected from corrosion and other damage. Meters installed outside of buildings must also be protected from vehicular damage where they are clearly vulnerable to minor impact.

Subsequently, by unanimous vote, the committee found all the proposed rules and the associated Draft Regulatory Evaluation to be technically feasible, reasonable, cost-effective, and practicable if proposed § 192.353 were changed as the committee suggested. RSPA/OPS considered the committee's advice as set forth above under the heading "Section 192.353, Customer Meters and Regulators: Location."

Regulatory Analyses and Notices

Executive Order 12866 and DOT Policies and Procedures. RSPA does not consider this Final Rule to be a significant regulatory action under Section 3(f) of Executive Order 12866 (58 FR 51735; Oct. 4, 1993). Therefore, the Office of Management and Budget (OMB) has not received a copy of this rulemaking to review. RSPA also does not consider this Final Rule to be significant under DOT regulatory policies and procedures (44 FR 11034; February 26, 1979).

RSPA/OPS prepared a Regulatory Evaluation of the Final Rule, and a copy is in the docket. This regulatory evaluation concludes that because of compliance options, the changes to existing rules may actually reduce operators' costs to comply with those rules.

Regulatory Flexibility Act. This Final Rule is consistent with customary practices in the gas pipeline industry. Therefore, based on the facts available about the anticipated impacts of the Final Rule, I certify, pursuant to Section 605 of the Regulatory Flexibility Act (5 U.S.C. 605), that this rulemaking would not have a significant impact on a substantial number of small entities.

Executive Order 13175. RSPA/OPS has analyzed this Final Rule according to the principles and criteria contained in Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments." Because the Final Rule will not significantly or uniquely affect the communities of the Indian tribal governments and will not