Natural Gas Pipeline Safety Act of 1968), Congress directed DOT to—

Prescribe regulations requiring an operator of a natural gas distribution pipeline that does not maintain customer-owned natural gas service lines up to the building walls to advise its customers of—

- (1) the requirements for maintaining those lines:
- (2) any resources known to the operator that could assist customers in carrying out the maintenance;
- (3) information the operator has on operating and maintaining its lines that could assist customers; and
- (4) the potential hazards of not maintaining the lines

C. Rulemaking Proposal

In response to this Congressional mandate, RSPA published a notice of proposed rulemaking (NPRM)(59 FR 5168; February 3, 1994) on customer notification. The NPRM proposed to define the piping covered by the mandate ("covered piping"). The NPRM also proposed to establish the details of advice that operators who do not maintain covered piping up to building walls would have to give their customers.

In a supplemental notice of proposed rulemaking (SNPRM)(59 FR 13300; March 21, 1994), RSPA expanded the proposed rules to cover certain exterior customer piping that is above ground. The SNPRM also clarified that the proposed rules were not limited to operators who are local distribution companies. Other operators (primarily transmission companies) that supply gas to customers through service lines were covered as well. RSPA also announced in the SNPRM that the proposed rules did not apply to customer piping that branches from a customer's primary gas supply line to supply gas to secondary equipment, such as pool heaters and yard lanterns.

D. Advisory Committee Review

RSPA presented the NPRM and SNPRM for deliberation by the Technical Pipeline Safety Standards Committee (TPSSC) at a meeting in Washington, D.C. on May 11, 1994. TPSSC is RSPA's statutory advisory committee for gas pipeline safety. The committee comprises 15 members, representing industry, government, and the public, who are technically qualified to evaluate gas pipeline safety. TPSSC's report of its deliberation is available in the docket of this proceeding.

TPSSC voted unanimously to find the proposed rules technically feasible, reasonable, and practicable, provided RSPA made the following changes: (1) delete information on age, location, and material of customer piping from

proposed § 192.16(a)(4); (2) when customer piping does not enter a building, end covered piping at the point of custody transfer; (3) apply the proposed rule only to buried residential and small-commercial lines; and (4) delete "transmission or" from proposed § 192.16(a) to limit the rule to distribution operators. The next section discusses how we handled TPSSC's recommended changes in developing the final rule.

II. Discussion of Comments and TPSSC Recommendations

A. Commenters

We received written comments from 57 persons in response to the NPRM and SNPRM. The comments came from: 47 pipeline operators; 5 state pipeline safety agencies (Maryland, Kansas, Iowa, Michigan, and Missouri); 4 trade associations (American Gas Association (AGA), Interstate Natural Gas Association of America (INGAA), Western Mobilehome Parkowners Association (WMPA), and Texas Gas Association (TGA)); and 1 federal agency (National Transportation Safety Board (NTSB)).

Most commenters directed their remarks to specific issues. This section of the preamble discusses our resolution of significant issues in light of comments and TPSSC recommendations.

B. The Term "Customer-Owned Service Line"

The mandate applied to customer piping Congress called "customer-owned service lines." So the NPRM and SNPRM used this term to designate the customer piping covered by the proposed rules.

Despite its statutory origin, many commenters felt the term "customerowned service line" would be confusing in a Part 192 regulation. They said many service lines under Part 192 include piping owned by customers.

Consequently, they argued the term was too similar to "service line" to distinguish customer piping not regulated by Part 192 from service lines regulated by Part 192. The commenters suggested as alternatives the names "supply pipe," "yard line," "fuel line," and "customer-owned piping."

We agree that "customer-owned service line" would be a misnomer in Part 192. The term could easily be confused with "service line," because some customers own the portion of a service line on private property between a distribution main and customer meter. Also, other customers (particularly tenants) may not own any of the piping

through which they receive gas from an operator. For these reasons, we did not use the term "customer-owned service line" in the final rule.

At the same time, we did not name covered piping as commenters suggested. Since Part 192 currently refers to piping beyond the end of a service line as "customer's piping" (see § 192.3, service line), referring to that piping by another name would be confusing. Instead, to designate piping covered by the final rule, we used "customer's piping" with other descriptive wording (§ 192.16(a)).

C. End of Covered Piping

To delineate the customer piping covered by the proposed rules, the NPRM and SNPRM defined the term "customer-owned service line." The definition proposed was: "a pipeline that transports natural gas or petroleum gas from a service line to (1) an exterior wall of a building, or (2) end-use equipment" (proposed amendment to § 192.3).

Most commenters thought the proposed end of covered piping was unclear. One concern was the end of covered piping when customer piping leads to more than one building Another concern was the end when customer piping leads both to a building and to outdoor equipment, such as a lantern. Still another concern was the end when customer piping does not enter a building, which happens at some plants. In regard to plants, AGA argued the end should be at a location equivalent to a building wall, such as the plant fence or point of custody transfer. Similarly, TPSSC recommended ending covered piping at a custody transfer point when there is no building.

As stated above, we intended the proposed rules to apply to customers' primary gas supply lines. Branch lines that serve pool heaters, yard lanterns, or other types of secondary equipment were not intended to be covered. The final rule (§ 192.16(a)) clarifies this point by covering customer piping up to gas utilization equipment only when the customer's piping does not enter a building. Also, to avoid the confusion of where covered piping ends when customer piping enters more than one building, the final rule refers to the first building. We used the term "gas utilization equipment" instead of "enduse equipment" for consistency with present terminology in Part 192 (e.g., § 192.197(a)(5)).

When customer piping does not enter a building, we agree that a perimeter fence (or wall) surrounding the gas utilization equipment serves the