purpose of a building wall under the mandate. Thus, when there is no building, under the final rule, covered piping ends at the gas utilization equipment or at the intersection of the first fence (or wall) that encloses the equipment (if such a fence (or wall) exists). The fence (or wall) may surround the plant, part of the plant, or just the equipment.

We did not adopt custody transfer to demarcate the end of covered piping when customer piping does not enter a building. Because custody transfer arguably occurs when gas enters piping not owned by the operator, none of the customer piping downstream from a service line would come under the notification rule.

## D. Aboveground Customer Piping and Short Sections of Piping Between Meters and Buildings

Many commenters, including AGA and Missouri, recommended that the final rule apply only to buried piping. Generally, the commenters felt that aboveground piping presents less risk than buried piping. The commenters said operators or customers would see any deteriorated piping or they would smell any leaks. Further, the commenters envisioned that any leaks would go directly to the atmosphere and not migrate into a building. TPSSC also recommended that we limit the final rule to buried piping.

The chief reason, however, that most commenters wanted to restrict the final rule to buried piping was to reduce the number of customers that would have to be notified. This point was emphasized by AGA at the TPSSC meeting, convincing TPSSC to overturn an earlier vote against excluding aboveground piping. Millions of additional customers would have to be notified if aboveground piping were covered, since most service lines, including lines that end at meters next to buildings, connect to short sections of aboveground piping. For example, one operator said it would have to send 1.3 million notices if the rule covered aboveground piping, compared with 68,000 notices if only buried piping were covered. This operator argued that since the accidents that produced the mandate all involved buried piping, Congress did not intend the mandate to cover aboveground piping. In addition, according to WMPA, if the rule covered aboveground short sections of piping, it would affect most of the 2,950 mobilehome parks in California with master meter systems. WMPA said mobilehomes in these parks are usually connected to gas meters by short flexible pipe that is the responsibility of the mobilehome owner. WMPA recommended that the final rule not apply to above ground piping less than 6 feet long.

We too were concerned about the impact of the proposed rules on short sections of piping between customer meters and buildings. So, in the NPRM and SNPRM, we asked for public comment on whether these short sections of piping are properly installed and periodically maintained. One operator commented that trained operator or heating contractor personnel install the short sections. Another operator said installation is done according to the National Fuel Gas Code, interior gas piping standards produced by the American National Standards Institute and the National Fire Protection Association. Several operators said that short sections seldom or never leak. A few operators reported they periodically inspect short sections for leaks and advise customers of any problems. However, one operator said it does not check commercial or industrial piping. Two other operators said they check for leaks when they turn gas on or when they receive leak reports. WMPA commented that leak surveys normally include the customer's connector pipe, and that mobilehome owners are advised of any needed repairs.

These comments and the TPSSC recommendation convinced us that aboveground customer piping should not be regarded as covered piping. First of all, we recognize that if aboveground piping were covered, almost every gas customer in the U.S. would have to be notified. And there is no evidence that a notification program of this magnitude would result in a comparable increase in public safety. Nor do we think Congress contemplated a huge, nationwide notification program. Although the mandate arguably applies to any customer piping up to building walls, the fact that the accidents that led to the mandate happened on buried service lines means it is reasonable to conclude that Congress intended the mandate to cover only buried customer piping. This conclusion is congruous with the risks involved, because as the comments indicate, aboveground customer piping poses much less risk than buried customer piping. Therefore, the final rule applies only to buried piping (§ 192.16(a)). As a result, short sections of customer piping between customer meters and building walls that are entirely aboveground are not covered by the final rule.

## E. Farm Taps and Industrial Taps

The proposed rules applied to customers served by "farm taps" or

"industrial taps." Farm tap is industry jargon for a pipeline that branches from a transmission or gathering line to deliver gas to a farmer or other landowner. Similarly, an industrial tap is a pipeline that branches from a transmission or gathering line to deliver gas to an industrial plant. So companies primarily engaged in the transmission or gathering of gas operate most farm taps and industrial taps.

About a third of commenters argued against this proposal, saying that Congress intended the mandate to apply only to local distribution companies. In support, they pointed out that residential accidents prompted the mandate. They also said that customers served by farm and industrial taps are more likely than residential customers to be familiar with the need to maintain gas piping. In this regard, a gas production company said its lease agreements with farm tap customers make them aware of their responsibility for maintenance. TPSSC also recommended that we limit the final rule to distribution operators and to residential and small commercial customers.

We do not believe these arguments and TPSSC recommendations justify excluding farm tap and industrial tap customers from the final rule. To begin with, while we recognize that Congress was primarily concerned about residential customers, the mandate is not so limited. Congress applied the mandate to "operators of natural gas distribution pipelines." But these operators are not just local distribution companies as the commenters suggested. Some operators primarily engaged in the gathering or transmission of gas also operate distribution pipelines. They do so when they deliver gas directly to customers through farm taps and industrial taps. In fact, because portions of these delivery lines qualify as service lines, gathering and transmission operators report them as distribution pipelines under 49 CFR 191.13. Moreover, farm and industrial tap customers are not immune from harm by potential hazards that could occur on their piping. And surely not all farm and industrial tap customers know enough about gas piping safety to make even a single maintenance notice

Therefore, application of the final rule does not depend on the nature of an operator's primary business. To clarify this point, we reworded the final rule (§ 192.16(a)) so that it applies to operators of service lines, instead of transmission or distribution operators as proposed. Although this change made it unnecessary to define "farm tap" or