rental customers to refer the maintenance advice to the landlord.

Another consideration, not raised by commenters, is that many states now require operators to do some maintenance on customer piping. In these states, it would be incorrect for operators to notify customers that the customers or their landlords are responsible for maintenance of customer piping.

Thus, it appears the proposal could be confusing or incorrect in some circumstances if included in maintenance notices. To avoid this confusion, the final rule (§ 192.16(b)(1)) merely requires operators to notify customers that the operator does not maintain the customer's piping.

Some operators may do a level of maintenance on customer piping (either voluntarily or under State law) that does not reach the minimum level prescribed by the final rule. If these operators wish to avoid advising customers that they do not maintain customer piping, they would have to increase their maintenance to the minimum level.

H. Requirements for Maintenance

Under the mandate, operators who do not maintain covered piping must advise their customers of the requirements for maintenance of that piping. To carry out this feature of the mandate, the NPRM and SNPRM proposed that operators notify customers "of the essential elements for proper maintenance * * * such as those listed in subpart M of [Part 192] or those listed in applicable local building codes" (proposed § 192.16(a)(2)).

Many commenters, including Iowa, Michigan, AGA, and TGA, recommended that the final rule not refer to Part 192 or local codes as examples of the essential elements of maintenance. The objection expressed most often was that Subpart M of Part 192 is not appropriate for customer piping downstream from meters; it was written for operators, not customers. Commenters also said the proposed rule was indefinite about which sections in Subpart M to apply to customer piping. Several commenters said that Subpart M and the local codes may conflict with each other, forcing operators to choose which standard is appropriate for customers to follow. One commenter stated it would be unreasonable to require operators to learn the essential elements of local building codes applicable to maintenance of customer piping and then send that information to each customer. For example, one large distribution company said it would be especially burdensome to examine the details of local codes in the

535 cities, towns, and communities it serves, and to continually keep abreast of them.

Alternatively, INGAA and an operator suggested that the final rule specify the maintenance advice operators are to give customers, instead of leaving it to the operator's discretion. INGAA said this approach would minimize the potential liability for giving inappropriate advice. The operator said it would reduce the confusion of different operators giving different advice to similar customers. Two operators thought we should limit the maintenance advice to periodic leakage surveys. Also, two other operators advised us to mention corrosion control as an example of essential maintenance.

We believe Congress used the word "requirements" in the sense of actions that are necessary for maintenance, rather than required by law for maintenance. So we proposed that operators use local codes, Subpart M of Part 192, or other sources as a guide to identify essential elements of maintenance. Although many commenters interpreted the proposal to the contrary, we did not intend for operators to keep abreast of local code requirements applicable to maintenance of customer piping. Nor did we intend for notifications to bring customers up to date about their obligations under local law.

We recognize, though, that the proposed rules gave operators wide latitude to decide what maintenance advice to provide customers. We also recognize that confusion could result if operators gave different advice in similar situations. So we adopted the suggestion to specify essential maintenance advice. We based the specified maintenance advice on the recommendations of commenters and the decision discussed above on the meaning of "maintain." Since the specified maintenance advice is commonly found in pipeline safety programs, we doubt it conflicts with local codes.

Consequently, the final rule (§ 192.16(b)(3)(i)–(iii)) does not require notice of any provisions of Subpart M of Part 192 or of any local code requirements. It simply requires operators to notify customers that their buried gas piping should be periodically inspected for leaks; periodically inspected for corrosion, if the piping is metallic; and repaired if any unsafe condition is found. By referring to buried piping, the notice will encourage customers to apply the advice to any buried piping they may have besides their primary supply line.

I. Maintenance Assistance

The mandate requires that operators advise customers of any resources known to the operator that could assist customers in carrying out maintenance. In response, we proposed that operators notify customers "of available resources that could aid the customer in obtaining maintenance assistance, such as the gas pipeline operator, the state licensing board for plumbers and state plumbers' associations, Federal and state gas pipeline safety organizations, the local building code agencies, and appropriate leak detection, gas utility, and corrosion protection contractors" (proposed § 192.16(a)(3)).

Many commenters said it would be too burdensome to maintain current lists of agencies, associations, and contractors over wide areas. They said customers could easily find maintenance assistance by consulting the local better business bureau or chamber of commerce. A few commenters were concerned the proposed rule would cause suits to be filed against the operator for unfair competition if notices omitted appropriate contractors, or for negligence if recommended contractors caused injuries or did unsatisfactory work. One commenter thought the proposed rule was unfair because it would force operators to refer customers to businesses that compete with the operators to provide maintenance services on gas piping.

In view of these comments, we decided to require operators to give only general advice about maintenance assistance. Operators need not maintain lists of specific contractors that might do maintenance work on customer piping. Although government agencies probably could advise customers about State or local laws, this advice probably would not be helpful in carrying out maintenance. Instead of advising inquirers about the details of maintenance, agencies and associations probably would refer them to contractors. Since customers can learn the names of contractors through the yellow pages or local chambers of commerce, the final rule does not require notice of specific contractors, agencies, or associations. The rule (§ 192.16(b)(5)) simply requires notice that the operator (if applicable), plumbers, and heating contractors may be contacted for assistance in maintaining and locating the customer's piping. Under this rule, if an operator does not offer such assistance, it would not have to mention itself as a possible source of assistance. At the same time, an operator may not mention only itself