Department, the Department concludes that holding a public hearing would not result in the presentation of additional or different information from what has already been submitted.

The Department stated in the interim final rule that it would consider any new matters presented and make changes if warranted. The Department has carefully considered all comments presented and concludes that no revisions to the interim final rule are warranted. Accordingly, the Department affirms, without change, the interim final rule.

A final rule redesignating those portions of the Coast Guard's Great Lakes Pilotage Regulations that are necessary for SLSDC to carry out its responsibilities under the Act will be published in the Federal Register shortly.

List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies), Organizations and functions (Government agencies).

Accordingly, 49 CFR part 1 is amended as follows:

PART 1—[AMENDED]

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

Authority: 49 U.S.C. 322; Pub. L. 101–552, 28 U.S.C. 2672, 31 U.S.C. 3711(a)(2).

§1.46 [Removed]

- 2. Section 1.46(a) is removed and reserved.
- 3. Section 1.52 is amended by adding a new paragraphs (d) and (e) to read as follows:

§1.52 Delegations to Saint Lawrence Seaway Development Corporation Administrator.

* * * * *

- (d) Carry out the Great Lakes Pilotage Act of 1960, as amended, (46 U.S.C. 9301 *et seq.*).
- (e) Under the 1977 Memorandum of Arrangements with Canada and the Great Lakes Pilotage Act of 1960, as amended in 1983 (46 U.S.C. 9305), enter into, revise, or amend arrangements with Canada in coordination with the General Counsel.

Issued at Washington, DC, this 5th day of December 1995.

Federico Peña

Secretary of Transportation.

[FR Doc. 95–30081 Filed 12–8–95; 8:45 am]

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Research and Special Programs Administration

49 CFR Part 192

[Docket PS-135; Amdt. 192-74A] RIN 2137-AC32

Customer-Owned Service Lines

AGENCY: Research and Special Programs Administration (RSPA), DOT. **ACTION:** Final rule; response to petition for reconsideration.

SUMMARY: This action concerns a petition to reconsider the rule that requires operators of gas service lines who do not maintain certain buried customer piping to notify customers of the need for maintenance. The request to change the rule to clarify the exclusion of customer branch lines is granted because some operators are apparently misconstruing the rule to cover these lines. The request to change the rule to specify operator repair as a maintenance option is granted because a literal reading of the rule's definition of maintenance excludes this legitimate option.

EFFECTIVE DATE: January 10, 1996.

FOR FURTHER INFORMATION CONTACT: L.M. Furrow, (202) 366–2392.

SUPPLEMENTARY INFORMATION: As directed by the 102d Congress (49 U.S.C. 60113(a)), RSPA issued a rule (49 CFR 192.16) that requires certain operators of gas service lines to notify their customers of the need to maintain buried customer piping (60 FR 41828, August 14, 1995). Operators subject to this rule are identified in the first paragraph of the rule, as follows:

§ 192.16 Customer Notification

(a) This section applies to each operator of a service line who does not maintain the customer's buried piping up to entry of the first building downstream, or, if the customer's buried piping does not enter a building, up to the principal gas utilization equipment or the first fence (or wall) that surrounds that equipment. For the purpose of this section, ''maintain'' means monitor for corrosion according to § 192.465 if the customer's buried piping is metallic, survey for leaks according to § 192.723, and if an unsafe condition is found, either shut off the flow of gas or advise the customer of the need to repair the unsafe condition.

In a petition dated September 8, 1995, the American Gas Association (AGA) asked RSPA to reconsider this notification rule. AGA contends § 192.16(a) is deficient in two respects. First, AGA is concerned that § 192.16(a) does not indicate that branch lines, serving secondary equipment such as yard lanterns or pool heaters, are not

part of the customer's buried piping that operators must maintain to qualify for exclusion from the rule. In fact, as AGA construes the rule, to avoid sending notifications operators would have to maintain most of these branch lines. For clarity, AGA recommends amending § 192.16(a) to refer to "buried gas supply piping" instead of "buried piping."

The amount of customer piping an operator must maintain to avoid sending customer notifications was a significant issue in this rulemaking proceeding. Of particular concern was buried piping that branches from the customer's primary gas supply line to serve secondary equipment, such as a yard lantern or pool heater. We addressed this issue in the final rule document as follows:

[w]e 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. (60 FR 41822)

Given this history of § 192.16(a) and the plain meaning of the rule, we do not agree with AGA that the rule can reasonably be construed to apply to most branch lines serving yard lanterns or pool heaters. As AGA acknowledges in its petition, such lines typically do not enter buildings. Buried customer piping that does not enter a building is covered only if it serves the customer's principal gas utilization equipment. And by their very nature, branch lines do not serve principal gas utilization equipment.

Nevertheless, the existence of the AGA petition indicates that some service line operators may be misconstruing the rule. Since we want to make the rule as easy as possible for everyone to understand, we have amended § 192.16(a) to emphatically state that the customer's buried piping does not include branch lines that serve yard lanterns, pool heaters, or other types of secondary equipment. We did not feel AGA's suggestion to modify "piping" with "gas supply" would necessarily clarify the rule because all customer piping provides a supply of gas.

Next, AGA argues that the definition of "maintain" is too restrictive because it does not mention repair as a method of remedying unsafe customer piping. As a result, AGA suggests § 192.16(a) could be construed to require operators to send customer notifications even if they repair unsafe conditions on customer piping. AGA recommends