

DEPARTMENT OF TRANSPORTATION**Research and Special Programs
Administration****49 CFR Part 192****[Docket PS-135; Notice 1]****RIN 2137-AC32****Customer-Owned Service Lines****AGENCY:** Research and Special Programs Administration (RSPA), DOT.**ACTION:** Notice of proposed rulemaking.

SUMMARY: This notice proposes to require operators of gas distribution pipelines who do not maintain customer-owned service lines to advise their customers of the proper maintenance of these gas lines and of the potential hazards of not properly maintaining these gas lines. This proposed rulemaking, in response to a statutory mandate, is intended to ensure that homeowners and other owners of customer-owned service lines are made aware of the requirements for maintenance of those lines; the resources known to the operator that could properly aid the customer in doing such maintenance; any information that the operator has concerning the operation and maintenance of its service lines that could aid customers; and the potential hazards of not maintaining customer-owned service lines.

DATES: Interested persons are invited to submit comments by April 4, 1994. Late filed comments will be considered to the extent practicable. Interested persons should submit as part of their written comments all the material that is considered relevant to any statement or argument made.

ADDRESSES: Written comments must be submitted in duplicate and mailed or hand-delivered to the Dockets Unit, Room 8421, U.S. Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590-0001. Identify the docket and notice numbers stated in the heading of this notice. All comments and materials cited in this document will be available for inspection and copying in room 8421 between 8:30 a.m. and 4:30 p.m. each business day. Non-federal employee visitors are admitted to the DOT headquarters building through the southwest quadrant at Seventh and E Streets.

FOR FURTHER INFORMATION CONTACT: Christina M. Sames, (202) 366-4561, regarding the content of this document, or the Dockets Unit (202) 366-5046 for

copies of this document or other materials in the docket.

SUPPLEMENTARY INFORMATION:**Background**

The pipeline safety regulations in 49 CFR 192.3 define a gas service line as a distribution line that transports gas from a common source of supply to (1) a customer meter or the connection to a customer's piping, whichever is farther downstream, or (2) the connection to a customer's piping if there is no customer meter. The source of supply for most gas services is a main commonly located in the street. For service lines to homes and buildings, the customer meter, which measures the transfer of gas from the operator to the consumer, is commonly located adjacent to (outside or inside) an exterior wall. A service line may also end at a customer meter adjacent to end-use gas equipment. For all of the above installations, the operator is responsible for compliance with part 192 standards from the common source of supply (e.g., the main) to the end of the service line.

Customer-Owned Service Lines

Not all customer meters are located adjacent to a home or building wall or end-use equipment. Some customer meters are located at property lines or at other locations more convenient for the gas distribution operator or for the customer. In such cases, the service line ends at the meter and the pipe running from the outlet of the meter to the exterior wall or end-use equipment is called a customer-owned service line.

Instances also exist where there is no customer meter or the operator-owned service line extends beyond the meter to the connection to a customer's piping. In such cases, the pipe running from this connection to the exterior wall or end-use equipment is called a customer-owned service line.

Customer-owned service lines are also known as "yard lines" and "fuel lines". A "farm tap" is a customer-owned service line that begins at a customer meter, usually adjacent to a gas transmission line, and runs (often a considerable distance) to a single consumer. For the purposes of this notice, each of the above situations is referred to as a customer-owned service line.

Customer-owned service lines are thought to comprise 12 to 17 percent of the piping that transports natural gas from distribution mains to homes, businesses, and other consumers. These lines are predominantly found in the states of Arizona, Arkansas, Florida, Iowa, Kentucky, Louisiana, New

Mexico, Ohio, Oklahoma, Texas, and West Virginia. Many states have few, if any, customer-owned service lines because the customer meter is adjacent to the home or building wall or the state regulatory agency has required the distribution operator to be responsible for operation and maintenance of the service line up to the home or building wall, regardless of where the meter is placed. These states include California, Connecticut, Hawaii, Idaho, Kansas, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, South Carolina, South Dakota, Utah, Virginia, Washington, Wisconsin, and Wyoming.

Federal pipeline safety regulations do not cover customer-owned service lines, although a few states have issued regulations and some gas distribution operators voluntarily maintain these lines to part 192 standards. In most states, the material, design, construction, corrosion control, testing, and maintenance of customer-owned service lines is left to the discretion of people who may not be familiar with part 192 requirements for service lines. This has resulted in instances of improper installation and minimal or no maintenance of these lines.

Over the last five years, one-third of all pipeline-related fatalities reported to the Department of Transportation involved distribution lines running from mains to homes and other buildings. An unregulated customer-owned service line buried downstream of a customer meter is prone to the same environmental stresses (corrosion and earth settlement) and excavation damage hazards as a regulated service line buried upstream of a customer meter. However, because of its proximity to homes, businesses and schools, the unregulated segment of a customer-owned service line buried downstream of a customer meter poses a greater risk to people and property than the regulated segment of the line buried upstream of the meter.

The safety of customer-owned service lines first emerged as an issue after a series of five natural gas incidents occurred during a 7-month period beginning September 16, 1988, in the Kansas City-Topeka area. These instances resulted in four fatalities, twelve injuries, and the destruction of four homes. In three of those incidents, the failures were attributed to corrosion on unprotected customer-owned service lines.

As a result of these incidents, Kansas, Missouri, Michigan, and New York made significant changes to their state's pipeline safety regulations. These

changes included extending the state regulatory authority over service lines to the building wall. Under the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1671 *et seq.*), states may adopt more stringent safety regulations than the Federal regulations if the state regulations are not incompatible with federal regulations.

In addition to its response to the accidents by extending regulatory authority to include customer-owned service lines, the Missouri Public Service Commission also required the operator to replace some 265,000 bare steel gas lines running from the main to the building wall, of which some 175,000 were fully or partly owned by the customer. The Kansas City Corporation Commission required the operator to perform periodic leakage surveys of all customer-owned service lines and to repair or replace all lines round to be leaking.

Statutory Mandate

Section 115(a) of the Pipeline Safety Act of 1992 (the Act, Pub. L. 102-508, October 24, 1992) amended the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1685) to require the Secretary of Transportation to—

* * * Issue regulations requiring operators of natural gas distribution pipelines which do not maintain customer-owned service lines up to building walls to advise their customers of the requirements for maintenance of those lines, any resources known to the operator that could aid customers in doing such maintenance, any information that the operator has concerning the operation and maintenance of its lines that could aid customers, and the potential hazards of not maintaining service lines.

Anecdotal data available to RSPA indicates that some of the petroleum gas systems covered under § 192.11 include customer-owned service lines where the material, design, construction, corrosion control, testing and maintenance is left to the discretion of people who may not be familiar with part 192 requirements for service lines. RSPA invites public comment on (1) Whether customer-owned service lines occur in petroleum gas systems subject to § 192.11 and (2) If so, whether the petroleum gas systems have been properly installed and periodically maintained. Commenters are requested to support their responses with leak and incident data that includes information on personal injuries, deaths, property and environmental damages.

AGA Petition

The American Gas Association (AGA) has petitioned RSPA to issue immediately a proposed rule to

establish the notification regulations mandated in section 115 of the Act (P-50, September 1, 1993). In its petition, AGA expresses concern that, lacking federal guidance, state and local authorities may move forward and adopt notification requirements that could make compliance with federal regulations difficult.

AGA has requested RSPA to incorporate the following language to satisfy the notification requirements for operations of customer-owned service lines:

(a) Each operator meeting the applicability requirements of paragraph (c) (of this section) shall provide notification to customers covering the maintenance of customer-owned lines. At minimum, this notification shall advise those customers:

(1) That they own and are responsible for the maintenance of customer-owned lines;

(2) Of the requirements for maintenance of those lines in accordance with paragraph (b) of this section;

(3) Who should be contacted to assist in the maintenance of customer-owned lines;

(4) Of information that the operator has concerning the maintenance of its lines that could aid the customer in performing such maintenance; and

(5) That periodic maintenance of customer-owned lines is necessary in order to avoid potential safety problems, such as gas leakage.

(b) If the applicable codes and standards do not address maintenance of those lines, the information that operators provide under paragraph (a)(4) of this section must describe the maintenance requirements for customer-owned lines.

(c) The notification requirements in paragraph (a) (of this section) apply to operators for which one or more customers have responsibility for maintenance of a substantial portion of the primary underground natural gas supply pipe between the operator's main and the foundation wall of the customer's premise, or its equivalent in those installations where the supply piping does not enter a building but rather goes directly to end-use equipment located outdoors.

AGA's petition is on file in the docket and was taken into consideration during development of this notice of proposed rulemaking.

Proposals

Federal gas pipeline safety standards do not require gas pipeline operators to maintain customer-owned service lines. In many cases, the owner of the customer-owned service line is not aware he or she is responsible for the maintenance of the customer-owned service line or what those maintenance responsibilities are. To address these concerns, AGA's petition, and the statutory mandate, RSPA proposes to revise § 192.3 to add a definition of customer-owned service lines, and to

add § 192.16 concerning notification requirements for customer-owned service lines to subpart A of 49 CFR part 192.

At this time, RSPA is proposing to apply the notification requirements to operators of petroleum gas systems covered under § 192.11. Thus, for the purpose of this discussion, the word "operator" will apply to those operators of natural gas and petroleum gas distribution systems that do not maintain customer-owned service lines up to the home or building wall or to the end-use equipment.

RSPA is aware there are situations where the meter is adjacent to, but not at, the home or building wall or the end-use equipment. In these instances, the operator is responsible for the pipeline up to the meter, and the customer is responsible for the small portion of buried pipeline from the outlet of the meter to the home or building wall or to the end-use equipment. At this time, RSPA is proposing to apply the notification requirements to these sections of pipeline when the operator does not voluntarily maintain these sections of pipeline. RSPA invites public comment on whether these short sections of customer-owned service line have been properly installed and whether they are periodically maintained. RSPA believes that some of these sections were installed and are voluntarily maintained by the operator, even though they are the responsibility of the customer. Commenters are requested to support their responses with leak and incident data that includes information on personal injuries, deaths, and property damages.

The following discussion covers the requirements listed within section 115(a) of the Act and how RSPA proposes to address them.

Maintenance Requirements for Customer-Owned Service Lines

RSPA requires operator-owned service lines to be operated and maintained to 49 CFR part 192 standards. These pipeline safety standards include leak detection surveys and corrosion control. Subpart I details the requirements for corrosion control, and subpart M details leak detection surveys and other maintenance requirements. Local codes and standards may also address operation and maintenance requirements. This notice proposes that operators provide to the owners of customer-owned service lines general information on these safety requirements. The proposal does not require operators to take over the maintenance of these lines.

Under the proposal, operators would be allowed to use any written means to provide actual notification of the required information to customers. RSPA anticipates most operators will provide notice through inserts mailed to the customer and flyers hand delivered by the meter readers.

Maintenance Resources

Many resources are available to assist owners of customer-owned service lines in obtaining information to assure effective service line maintenance, including information supplied by the operator. The sources referenced below can provide general information on corrosion control and leakage surveys, and may be able to provide an actual listing of gas distribution contractors (including plumbers) or other individuals who could perform these maintenance requirements. The addresses and telephone numbers listed are current to the best of RSPA's knowledge.

The State Licensing Board for Plumbers and State Plumbers' Associations

The state licensing board for plumbers and state plumbers' associations can provide owners of customer-owned service lines with a listing of qualified, independent contractors who perform leakage surveys, gas piping repair and replacement, and valve repair and replacement.

The Gas Piping Technology Committee (GPTC) Guide for Gas Transmission and Distribution Piping Systems, Volume 1

The GPTC guide contains information and methods to assist gas pipeline operators in complying with the federal pipeline safety regulations by providing "how to" information related to the standards. The GPTC Guide contains minimum federal safety standards together with the design recommendations, material reference, and recommended practices of the GPTC.

Gas Piping Technology Committee, AGA,
1515 Wilson Boulevard, Arlington, VA
22209, (703) 841-8454

The National Association of Corrosion Engineers (NACE)

NACE publishes a standard recommended practice to present procedures and practices for achieving effective control of external corrosion on buried or submerged metallic piping systems. This recommended practice describes the use of electrically insulating coatings, electrical isolation, and cathodic protection as corrosion control methods. The practice also contains specific provisions for the

application of cathodic protection to existing bare, existing coated, and new piping systems.

National Association of Corrosion Engineers
P.O. Box 218340, Houston, TX 77218-
8340, (713) 492-0535

Federal Gas Pipeline Safety Organizations

The regional offices of the Federal Office of Pipeline Safety can provide an owner of a customer-owned service line with a copy of the federal pipeline safety regulations (49 CFR part 192) that operators of service lines follow, the booklet "Guidance Manual for Operators of Small Gas Systems," which provides a general overview of compliance responsibilities under federal pipeline safety regulations, and verbal information on proper maintenance for customer-owned service lines:

Office of Pipeline Safety, Eastern Region,
U.S. Department of Transportation, 400
Seventh Street SW., room 5413,
Washington, DC 20590, (202) 366-4580
Jurisdictional authority over the District of
Columbia and the states of Connecticut,
Delaware, Maine, Maryland,
Massachusetts, New Hampshire, New
Jersey, New York, Pennsylvania, Rhode
Island, Vermont, Virginia and West
Virginia.

Office of Pipeline Safety, Southern Region,
1720 Peachtree Road NW., Suite 426
North, Atlanta, GA 30309, (404) 347-
2632

Jurisdictional authority over Puerto Rico
and the states of Alabama, Arkansas,
Florida, Georgia, Kentucky, Mississippi,
North Carolina, South Carolina and
Tennessee

Office of Pipeline Safety, Central Region, 911
Walnut Street, room 1811, Kansas City,
MO 64106, (816) 426-2654

Jurisdictional authority over the states of
Illinois, Indiana, Iowa, Kansas,
Michigan, Minnesota, Missouri,
Nebraska, North Dakota, Ohio, South
Dakota and Wisconsin

Office of Pipeline Safety, Southwest Region,
2320 La Branch, room 2116, Houston, TX
77004, (713) 750-1746

Jurisdictional authority over the states of
Arizona, Louisiana, New Mexico,
Oklahoma and Texas

Office of Pipeline Safety, Western Region,
555 Zang Street, 2nd floor, Lakewood,
CO 80228, (303) 969-5150

Jurisdictional authority over the states of
Alaska, California, Colorado, Hawaii,
Idaho, Montana, Nevada, Oregon, Utah,
Washington and Wyoming

State Pipeline Safety Organizations

The following state pipeline safety organizations can provide an owner of a customer-owned service line with a copy of the federal and state pipeline safety regulations that operators of service lines follow, written or verbal

information on maintenance requirements for customer-owned service lines, and regional sources of additional information.

Alabama Public Service Commission, PO Box
991, Montgomery, AL 36101-0991, (205)
242-5778

Arizona Corporation Commission, 1200 West
Washington Street, Phoenix, AZ 85007,
(602) 542-3316

Arkansas Public Service Commission, PO
Box 400, Little Rock, AR 72203-0400 (501)
682-5705

California Public Utilities Commission, 1145
Market Street, Second Floor, San
Francisco, CA 94103, (415) 557-3304

Colorado Public Utilities Commission, Logan
Tower-Office, Level 2, Room 340, 1580
Logan Street Denver, CO 80203, (303) 894-
2000

Connecticut Department of Public Utility
Control, One Central Park Plaza, New
Britain, CT 06051, (203) 827-1553

Delaware Public Service Commission, 1560
South Dupont Highway, PO Box 457,
Dover, DE 19903-0457, (302) 739-3233

Public Service Commission, District of
Columbia, 450 5th Street NW., Suite, 820,
Washington, DC 20001, (202) 626-5156

Bureau of Gas Regulation, Florida Public
Service Commission, 101 East Gaines
Street, Room 330, Tallahassee, FL 32301-
0868, (904) 488-8501

Georgia Public Service Commission, 244
Washington Street SW., Atlanta, GA 30334,
(404) 656-7490

Illinois Commerce Commission, 527 East
Capitol Avenue, Springfield, IL 62794-
9280, (217) 785-1165,

Indiana Utility Regulatory Commission, 302
West Washington Street, Suite E 306,
Indianapolis, IN 46204, (317) 232-2717

Bureau of Rate & Safety Evaluation Utilities,
Division, Iowa Department of Commerce,
Lucas State Office Building, Des Moines,
IA 50319, (515) 281-5546

Kansas Corporation Commission, 1500 SW
Arrowhead, Road, Topeka, KS 66604-4027,
(913) 271-3171

Kentucky Public Service Commission, 730
Schenkel Lane, PO Box 615, Frankfort, KY
40602, (502) 564-3940

Office of Conservation, Louisiana Department
of Natural Resources, PO Box 94275, Baton
Rouge, LA 70804-9275, (504) 342-5585

Maine Public Utilities Commission, State
House Station 18, 242 State Street,
Augusta, ME 04333, (207) 289-3831

Maryland Public Service Commission, The
American Building, 11th Floor, 231 East
Baltimore Street, Baltimore, MD 21202,
(410) 333-6079

Massachusetts Department of Public Utilities,
Saltonstall Building, Room 1208, 100
Cambridge Street, Boston, MA 02202 (617)
727-3537

Michigan Public Service Commission, 6545
Mercantile Way, PO Box 30221, Lansing,
MI 48909, (517) 334-6384

Minnesota Department of Public Safety, 175
Aurora Avenue, St. Paul, MN 55103, (612)
296-9636

Mississippi Public Service Commission, PO
Box 1174, Jackson, MS 39215-1174, (601)
961-5475

Missouri Public Service Commission,
Truman State Office Building, Room 530
PO Box 360, Jefferson City, MO 65102,
(314) 751-3456

Department of Public Service Regulations,
Montana Public Service Commission, 1701
Prospect Avenue, PO Box 202601, Helena,
MT 59620-2601, (406) 444-6182

Nebraska State Fire Marshal, 246 South 14th,
Lincoln, NE 68508, (402) 471-2027

New Hampshire Public Utilities Commission,
Building #1, 8 Old Suncook Road,
Concord, NH 03301, (603) 271-2431

New Jersey Board of Regulatory
Commissioners, Two Gateway Center,
Newark, NJ 07102, (201) 648-2204

New Mexico State Corporation Commission,
PO Drawer 1269, Santa Fe, NM 87504-
1269, (505) 827-3767

Investigation Section, NY Public Service
Commission, #3 Empire State Plaza,
Albany, NY 12223, (518) 474-5453

North Carolina Utilities Commission, 430
North Salisbury Street, PO Box 29510,
Raleigh, NC 27626-0510, (919) 733-6000

North Dakota Public Service Commission,
State Capitol Building, 12th Floor,
Bismarck, ND 58505, (701) 224-2413

Public Service Commission of Nevada, 727
Fairview Drive, Carson City, NV 89710,
(702) 687-6040

Ohio Public Utilities Commission, 180 East
Broad Street, 12th Floor, Columbus, OH
43266-0573, (614) 644-8983

Oklahoma Corporation Commission, Jim
Thorpe Office Building, Oklahoma City,
OK 73105, (405) 521-2258

Oregon Public Utility Commission, 550
Capitol Street NE., Salem, OR 97310, (503)
378-6760

Pennsylvania Public Utility Commission,
T&S Building, Room 412, PO Box 3265,
Harrisburg, PA 17105-3265, (717) 787-
1061

Puerto Rico Public Service Commission, PO
Box 870, San Juan, PR 00919-0870, (809)
763-0625

Rhode Island Division of Public Utilities, 100
Orange Street, Providence, RI 02903, (401)
277-3500

South Carolina Public Service Commission,
PO Drawer 11649, Columbia, SC 29211,
(803) 737-5145

Tennessee Public Service Commission, 460
James Robertson Parkway, Nashville, TN
37243-0505, (615) 741-2844

Transportation/Gas Utilities Division, RR
Commission of Texas, Capitol Station, PO
Box 12967, Austin, TX 78711-2967, (512)
463-7058

Division of Public Utilities, Utah Department
of Commerce, 160 East 300 South, PO Box
45807, Salt Lake City, UT 84145-0807,
(801) 530-6787

Vermont Department of Public Service, State
Office Building, 120 State Street,
Montpelier, VT 05620, (802) 828-2811

Division of Energy Regulation, Virginia State
Corporation Commission, PO Box 1197,
Richmond, VA 23209, (804) 371-9264

Washington Utilities and Transportation
Commission, PO Box 47250, Olympia, WA
98504-7250, (206) 586-1154

Public Service Commission of West Virginia,
201 Brooks Street, PO Box 812, Charleston,
WV 25323, (304) 340-0473

Gas, Water & Federal Intervention Division,
Public Service Commission of Wisconsin,
4802 Sheboygan Avenue, PO Box 7854,
Madison, WI 53707, (608) 266-8128

Wyoming Public Service Commission, 700
West 21st Street, Cheyenne, WY 82002,
(307) 777-7427

Operation and Maintenance Information

This notice proposes to require gas distribution operators to advise customers of any information that the operator has concerning the operation and maintenance of its lines that could aid customers. This information could include the following:

Excavation damage prevention: Excavation damage is the largest single cause of gas pipeline incidents. Section 192.614 currently requires gas pipeline operators to notify the public in the vicinity of their pipeline on how to prevent damage to the pipeline from excavation activities. Section 192.614 currently exempts pipelines in class 1 and 2 locations and pipelines in class 3 locations which are marked in accordance with § 192.707. However, in a pending rulemaking ("Excavation Damage Prevention Programs for Gas, Hazardous Liquids and Carbon Dioxide Pipelines", Docket 101, 53 FR 24747, June 30, 1988), RSPA has proposed removing these exemptions.

Type of pipe: Different pipeline materials require different maintenance procedures. An operator's knowledge of the environmental conditions affecting the service pipe connected to the customer-owned service line may assist the owner in the maintenance of the customer-owned service line.

Age of the pipe: The installation date of customer-owned service lines, installed by individuals other than the operator, may not be known. However, many operators will have a record of the date gas service was initially established to the customer. In such cases, operators may reasonably assume that the installation date of the customer-owned service line is approximately the date of initial gas service. This information may then be relayed to the customer to assist in estimating the condition of the pipeline.

Potential Hazards: This notice proposes to require an operator to inform customers of the potential hazards of not maintaining a customer-owned service line. Improper maintenance or lack of periodic maintenance of customer-owned service lines may result in corrosion of metallic pipeline materials, separation of piping components, gas leaks, property damage, environmental damage, personal injury, and even death.

Regulatory Analyses

Executive Order 12866 and DOT Regulatory Policies and Procedures

This proposed rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, was not subject to review by the Office of Management and Budget. The rule is not considered significant under the regulatory policies and procedures of the Department of Transportation (44 FR 11034, February 26, 1979). A regulatory evaluation is available for review in the docket.

Executive Order 12612

The proposed rule has been analyzed in accordance with the principles and criteria in Executive Order 12612 ("Federalism"), and does not have sufficient federalism impacts to warrant the preparation of a federalism assessment.

Regulatory Flexibility Act

This proposed rule would apply to operators of natural gas and petroleum gas distribution systems. Small gas distribution systems are characterized in this proposal as distribution systems serving fewer than 10,000 customers. They include master meter systems, which usually serve mobile home parks, housing projects and apartment complexes, and public, private, and municipal natural gas distribution systems.

Master meter systems, as defined in § 191.3, are pipeline systems for distributing gas within, but not limited to, a definable area, such as a mobile home park, housing project, or apartment complex, where the operator purchases metered gas from an outside source for resale through a gas distribution system. The gas distribution pipeline system supplies the ultimate consumer who either purchases the gas directly through a meter or by other means, such as by rents.

RSPA has determined that master meter operators will not be affected by this notice of proposed rulemaking because the master meter operator generally owns the complete gas distribution system. Thus, the master meter operator is responsible for the pipeline from the point of purchase to the ultimate customer.

A draft regulatory evaluation has been prepared to determine the economic impact of this proposed rule on public, private, and municipal gas distribution systems. Based on the facts available, I certify that this proposal will not, if promulgated, have a significant economic impact on a substantial number of small entities. This

certification is subject to modification as a result of a review of comments received in response to this proposal.

Paperwork Reduction Act

The information collection requirements associated with this notice of proposed rulemaking are being submitted to the Office of Management and Budget (OMB) for approval in accordance with 44 U.S.C. Chapter 35 under the following:

Administration: Department of Transportation, Research and Special Programs Administration;

Title: Customer-owned service line information dissemination;

Need for Information: To reduce the number of incidents and resulting deaths, injuries, property, and environmental damage caused by improper maintenance of customer-owned service lines;

Proposed Use of Information: To advise owners of customer-owned service lines of the proper maintenance of these gas lines and of the potential hazards of not properly maintaining these lines;

Frequency: Occasionally;

Burden Estimate: \$500,000 initially, \$50,000 annually thereafter;

Respondents: Gas distribution operators; Form(s): N/A;

Average Burden Hours per Respondent: minimal.

For further information contact: The Information Management Division, M-34, Office of the Secretary of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-4735. Comments on the proposed information collection requirements should be submitted to the Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, Attn: Desk Officer for Department of

Transportation, Research and Special Programs Administration. It is requested that comments sent to OMB also be sent to the RSPA rulemaking docket for this proposed action.

List of Subjects in 49 CFR Part 192

Pipeline safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, RSPA proposes to amend 49 CFR part 192 as follows:

PART 192—[AMENDED]

1. The authority citation for part 192 continues to read as follows:

Authority: 49 App. U.S.C. 1672 and 1804; 49 CFR 1.53.

2. Section 192.3 would be amended by adding the following definition to read as follows:

§ 192.3 Definitions.

As used in this part:

Customer-Owned Service Line means 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. "Farm taps" are customer-owned service lines which begin at a customer meter, usually adjacent to a gas transmission line, and run to a single consumer.

* * * * *

3. Section 192.16 would be added to subpart A to read as follows:

§ 192.16 Customer-owned service lines.

(a) Each operator of a natural gas or petroleum gas distribution system that does not maintain buried customer-owned service lines up to the building wall or to the end-use equipment to part 192 standards, shall provide written notification to the customer:

(1) That the customer owns and is responsible for the maintenance of the customer-owned service line;

(2) Of the essential elements for proper maintenance of the customer-owned service line, such as those listed in subpart M of this part or those listed in applicable local building codes;

(3) 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;

(4) Of any information that the operator has concerning the operation and maintenance of the customer-owned service line that could aid the customer, such as information on excavation damage prevention, local codes and standards (when applicable), and the age, location, and material of the customer-owned service line; and

(5) The potential hazards of not maintaining the customer-owned service line, such as corrosion and gas leakage.

(b) An operator shall provide the notification required in paragraph (a) of this section:

(1) Before (enter date 6 months after date of publication of final rule) for existing customers; and

(2) Before (enter date 6 months after date of publication of final rule) or within 30 days from date the gas service line is placed in service for new customers, whichever is later.

(c) Each operator must keep a record of the written notifications made under the requirements of paragraph (a) of this section.

George W. Tenley, Jr.,

Associate Administrator for Pipeline Safety.

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