

CHAPTER I—DEPARTMENT OF
TRANSPORTATION

SUBCHAPTER B—OFFICE OF PIPELINE SAFETY
[Amdt. 192-13; Docket No. OPS-9]

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

Definition of Service Line

The purpose of this amendment to Part 192 of Title 49 of the Code of Federal Regulations is to broaden the definition of the term "service line" contained in § 192.3.

This amendment is based on a notice of proposed rulemaking (OPS notice 71-1) issued on May 24, 1971, and published in the FEDERAL REGISTER (36 FR 9667) on May 27, 1971. Interested persons were afforded an opportunity to participate in the rulemaking by submitting written information, views, or arguments. The opinions and data presented in the comments that were subsequently received have been fully considered and are reflected in this final rule.

As proposed in the notice, a service line would have gone to the outlet of the customer meter, a service line valve, a service regulator, or the point at which the line enters the customer's building, whichever of the four is farther downstream. The public comments made in response to the notice were divided into three general classes. One group of commentators favored retention of the original definition without amendment; a second group recommended deletion of various elements of the proposed definition; the third group suggested a number of variations, each intended to place a limit on the definition of service line to exclude from it the piping belonging to the ultimate gas consumer. None of the comments received were favorable to the definition of service line in its entirety as proposed in notice 71-1.

Those commentators who favored no change believed that the original definition is consistent with an operator's responsibility. In their view, any extension of the definition of a service line beyond the meter and out of the ownership of the operator would place such line beyond the operator's control in terms of construction and operating standards. It was also pointed out that the proposed extension of the definition would raise the question whether the private owner of a service line would become an operator subject to the Federal safety standards.

One commentator of the second group of comments stated that, as points for determining the end of a service line, the service line valve and service regulator are superfluous since neither would be present downstream of the meter in a normal situation where gas is delivered to a customer at 4 to 6 ounces. Several other comments in this group recommended that "the point at which the line enters the customer's building" be eliminated from the definition on the ground that for piping downstream of the meter, installed by other than the operator, the operator would have no

control as to materials used or method of installation.

The third group, comprising the greatest number of comments opposing the proposal, suggested further changes intended to avoid bringing within the definition of service line any customer-owned pipe over which the operator could not assert control. Such further changes were believed necessary to avoid having homeowners or other final consumers of gas considered as engaging in the transportation of gas, or as owning or operating pipeline facilities subject to the Federal standards. Moreover, in the view of these commentators, the definition should be consistent with the usual situation in which, downstream of the meter, an operator has no general authority over facilities beyond his own equipment and no responsibility for maintenance or repair of any line or equipment owned by others. In effect, these commentators would define service line as a distribution line that transports gas from a common source of supply to a customer meter or, in the absence of a meter, to a service line valve or point of connection with the customer's piping.

A number of commentators made various recommendations which would have qualified the definition to cover special situations. In this category were suggested special definitions applicable only to consumers' privately owned lines, distribution lines on private property, and pipelines within the definition which would be exempted from the regulations. These comments are clearly not directed to the proposed definition of service line and, since they exceed the scope of the notice, will not be considered in this rule-making action.

In addition to the many comments received in response to the public notice as summarized above, the proposal was extensively discussed with the full Technical Pipeline Safety Standards Committee. That committee raised objections to the proposed definition on essentially two grounds.

First, the committee pointed out that there was an internal inconsistency in the definition as proposed. The proposed definition stated that a service line "transports gas from a common source of supply to a customer * * *" but then went on to list points which may well be beyond the point where the gas is delivered "to a customer." In the committee's view, transportation of gas to a customer involves both a transfer of ownership of the gas to the customer and the entry of the gas into the facilities of the customer. Thus, if the concept of transportation of gas "to a customer" is to be retained as the essential element of the definition, the subsequent part of the definition giving examples of what is included should be consistent with the phrase "to a customer."

Second, the committee objected to a definition under which a "service line" could include a customer-owned portion downstream of the meter as well as an operator-owned portion of one service line. It was their concern that extension of the definition to include customer-

owned piping downstream of the meter would require someone to have safety responsibility for the lines newly brought within the definition. In their view, however, it would be illogical to make the gas distribution company (the operator) responsible for service lines it did not own on property it had no right to enter, and it was equally illogical for a homeowner to be made subject to the regulations as an operator.

In proposing to amend the definition of service line, the intent was not only to retain within the definition the pipelines currently covered, but to extend the definition to cover those portions of the distribution system that would present an exposure to the public. The proposed definition, therefore, was cast in terms relating to the lines themselves, without considerations of ownership of either the line or the gas. The Technical Pipeline Safety Standards Committee, on the other hand, because the regulations are directed to the operators, believed that for consistency the definition of service line should not bring customer-owned piping within the reach of the regulations. It was the committee's view, therefore, that a service line should be considered to include that portion of an operator's facilities used to convey gas from a distribution main to the customer's facilities downstream of the meter and that any definition adopted must express that one basic characteristic. This view recognizes that after the gas changes ownership and passes into facilities not owned by the operator, the operator has no general legal right or obligation to go into those facilities for inspection or maintenance and could not be penalized for failure to do so.

The Department has jurisdiction under the Natural Gas Pipeline Safety Act to regulate the transportation of gas to the point where it is used by the consumer. This jurisdiction has not heretofore been fully implemented in the distribution area, and it is the purpose of this rulemaking action to extend the limits of the definition of "service line" to insure that all such lines included in the Department's jurisdiction are adequately covered by safety regulations. As stated in notice 71-1, it was not intended that a redefinition of the term "service line" become involved with the further question of who has responsibility for assuring that service lines are installed and maintained in accordance with safety standards. However, as the committee has emphasized, the two issues are not readily separable. Since accidents may be caused by defects on either operator-owned or customer-owned portions of service lines, this redefinition is of great importance in determining the responsibility of operators for service lines.

The OPS does not agree that customers owning lines that come within the definition of service line thereby become operators. An operator means a person who engages in the transportation of gas. Transportation of gas means the gathering (with certain exceptions), transmission, or distribution of gas by

pipeline or the storage of gas in or affecting interstate or foreign commerce. Transportation of natural gas ends with the sale coupled with delivery of the gas to the ultimate consumer so that, after the sale, the gas becomes a consumer item and is no longer in commerce. The OPS is of the opinion that a homeowner who receives gas for consumption is not an individual engaged in the transportation of gas, and should not be penalized for failure to comply with a regulation involving transportation of gas. Since a homeowner is not considered an operator, an inconsistency would result if the lines he owns downstream of the meter were to be defined as "service lines" and thereby subjected to standards applicable to distribution lines transporting gas.

The OPS recognizes that every part of the gas distribution system down to the point where the gas is burned should be subjected to some form of safety regulation. Most but not all customer-owned services are installed under a local code. With the adoption of this definition, both OPS and State agencies anticipate that local codes will cover the remaining portion of the service, i.e. to the burner tip. In those cases in which the local code purports to cover piping from the main to the meter, but is actually in conflict with part 192, the Federal standards will, of course, prevail.

Customer-owned lines between the distribution main and meter are presently classed as service lines and no objections were made to the proposal which would have continued such classification. Invariably the meter itself is owned by the distribution company and, as a practical matter, the safe condition of the line to that meter is made the responsibility of the company. Therefore, whether the line upstream of the meter is owned by the distribution company or the customer, that line is involved in the transportation of gas and brought within the regulations by its classification as a service line. The responsibility that this places on the distribution company is consistent with the fact that ownership of the gas does not change normally until the gas goes through the meter.

To meet the foregoing comments and objections with which OPS agrees, and to carry out the purpose of the amendment, "service line" is now defined as including a customer meter or the connection to a customer's piping, whichever is farther downstream. What constitutes a customer meter does not depend on its ownership, but rather on its function which is to measure the transfer of gas from an operator to an ultimate consumer. To clarify what is meant by customer meter, its function has therefore been stated within the amended definition of service line. The term "customer's piping" as used in the revised definition

means the piping owned by the customer.

The definition has been further amended to clarify the situation where there is no customer meter. In such case, a service line terminates at the connection to the customer's piping.

In a so-called "master meter system," a municipal housing authority or the landlord of a mobile home park is supplied gas by a public utility through a master meter and, in turn, distributes the gas through its own mains and services to the ultimate users of the gas who may or may not be individually metered. A master meter is not a customer meter "that measures the transfer of gas from an operator to a consumer" as that term is used in the amended definition of service line nor is the line upstream of a master meter a service line. The mains and lines distributing the gas downstream of a master meter are a distribution system that is subject to the Natural Gas Pipeline Safety Act, and the housing authority or the landlord of the mobile home park is an operator under part 192. Within a master meter system, a "service line," as that term is now defined, transports gas from the distribution main to the customer meter measuring the transfer of gas to the ultimate user of the gas or to the connection to that user's piping if such connection is farther downstream than the customer meter or if there is no customer meter.

The change in the final definition from that proposed in the notice is substantive in nature and is based both on the public comments received in response to the notice and the recommendations of the Technical Pipeline Safety Standards Committee. However, the change to the definition is within the general scope of the notice on which it was based.

Section 4(a) of the Natural Gas Pipeline Safety Act requires that all proposed standards and amendments to such standards be submitted to the Technical Pipeline Safety Standards Committee, and that the Committee be afforded a reasonable opportunity to prepare a report on the "technical feasibility, reasonableness, and practicability of each such proposal." This amendment to part 192 has been submitted to the Committee, and it has returned a favorable report. The Committee's report and the proceedings of the Committee which led to that report are set forth in the public docket for this amendment which is available at the Office of Pipeline Safety.

In consideration of the foregoing, § 192.3 of part 192 of title 49 of the Code of Federal Regulations is amended by changing the definition of "Service Line" to read as follows, effective May 10, 1973:

§ 192.3 Definitions.

"Service line" means 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. A customer meter is the meter that measures the transfer of gas from an operator to a consumer.

(Sec. 3, Natural Gas Pipeline Safety Act of 1968, 49 U.S.C. 1692, § 1.58(d), regulations of the Office of the Secretary of Transportation, 49 CFR 1.58(d); redelegation of authority to the Director, Office of Pipeline Safety, set forth in appendix A of part 1 of the regulations of the Office of the Secretary of Transportation, 49 CFR Part 1)

Issued in Washington, D.C. on April 5, 1973.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

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Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Medicine Lake National Wildlife Refuge, Montana

The following special regulation is issued and is effective on April 10, 1973.

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

MONTANA

MEDICINE LAKE NATIONAL WILDLIFE REFUGE

Sport fishing by rod, reel, pole, and set lines, including use of live bait on the Medicine Lake National Wildlife Refuge, Medicine Lake, Mont., is permitted from June 15, through September 15, 1973 and December 1, 1973 through March 31, 1974, inclusive, but only on the area designated by signs as open to fishing. This open area comprises 800 acres and is delineated on maps available at refuge headquarters, 3 miles southeast of Medicine Lake, Mont. 59247 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Avenue, Denver, Colo. 80215. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through March 31, 1974.

DONALD N. WHITE,
Refuge Manager, Medicine Lake
National Wildlife Refuge,
Medicine Lake, Mont.

APRIL 3, 1973.

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