

Mr. Neil Y. Nordlander
Executive Vice President
Western Mobilehome Association
921 11th Street, Suite 1102
Sacramento, California 95814

Dear Mr. Nordlander:

Your letter of August 9, 1976, to Mr. Jack Overly, Chief, Western Region , describes an LPG distribution system in a mobile home park. You state that the system is owned and maintained by an LPG company. You further state that the park owner purchases gas from the LPG company and then resells it to tenants for their consumption, utilizing customer meters owned by the company. You ask which person, the LPG company or the park owner, is the "operator" responsible for compliance with 49 CFR Part 192.

Section 192.3 defines the term "operator" as "a person who engages in the transportation of gas." Consistent with this definition and Sec. 8 of the Natural Gas Pipeline Safety Act of 1968, which designates persons who must comply with the Federal safety standards, an "operator" is any person who owns or who operates pipeline facilities. The mere sale of gas by a person who does not own or operate the facilities used to transport the gas would not qualify that person as an "operator."

In the situation you have described, if the LPG company has full ownership rights in the system as indicated, it is therefore an "operator." Since you have not given us any information about how the distribution of gas to consumers is physically controlled any by whom, we cannot determine who operates the system. If the park owner operates the system in addition to just selling the gas, the park owner would be an "operator" the same as the LPG company.

In the rare instances where joint responsibility for compliance exists (i.e., someone other than the owner, or the owner's agent, operates the system), this office enforces compliance by looking first to the person who is operating the system.

Sincerely,

Cesar DeLeon
Acting Director

Office of Pipeline
Safety Operations