

October 28, 1992

This is in response to your correspondence of August 6, 1992, to Ms. Bea Vanderwalk, Director of the Anti-Drug Information Center (ADIC) requesting guidance on whether an operator, who remains at the ocean surface, in control of an underwater submarine that inspects submerged pipelines would be subject to drug testing under Part 199.

A person performing an operation, maintenance or emergency response function on a pipeline regulated by 49 CFR Parts 190-199 is an "employee", as defined in 49 CFR ? 199.3 and is subject to drug testing.

The activity you describe is a maintenance function performed on a pipeline. The function is regulated under the underwater inspection provisions of 49 CFR ?? 192.612 and 195.413 so long as the pipeline being inspected meets the criteria set out in those regulations.

Thank you for your inquiry. Please let me know if you need any more information about our drug requirements.

Sincerely,

Richard L. Rippert
Drug Compliance Coordinator
Office of Pipeline Safety
Enforcement