

June 20, 1991

Mr. John H. Carlson
Vice President
TU Electric, Generating Division
400 North Olive Street L.B. 81
Dallas, TX 75201

Dear Mr. Carlson:

I am responding to your letter of March 27, 1991, to Cesar De Leon regarding the Research and Special Programs Administration's (RSPA) drug testing regulations in 49 CFR Part 199. You asked if the Texas Railroad Commission was the appropriate enforcement agency in which to direct inquires concerning the drug testing regulations applicable to certain intrastate pipeline operations. The applicability of Part 199 to an operator does not depend on whether pipeline are intrastate or interstate. State agencies, acting under Section 5(a) of the Natural Gas Pipeline safety Act of 1968 (49 App. USC 1674(a), and Section 205(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. USC 2001), enforce the Part 199 regulations against operators of intrastate pipelines. The RSPA enforces Part 199 against all other operators of pipelines to which Parts 192, 193, and 195 apply. In keeping with this limitation on a state agency's authority, any interpretation of a Department of Transportation (DOT) standard adopted by the state agency must be compatible with the interpretation of that regulation issued by DOT. The State of Texas adopted RSPS's Anti-Drug Regulations, Part 199, on November 13, 1990.

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

Sincerely,

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