

January 23, 1990

Ms. Gayle Bodner  
Associate Attorney  
Texas Gas Transmission Corporation  
P.O. Box 1160  
3800 Frederica Street  
Owensboro, Kentucky 42302

Dear Mr. Bodner:

We previously wrote you about your company's proposal to establish a single, comprehensive anti-drug plan to cover pipeline workers under drug testing rules (Part 199) and truck drivers under the drug testing rules of the Federal Highway Administration (FHWA).

Because the rules governing drug testing of pipeline workers and truck drivers are intended to be substantially the same, we advised you that the plan may be designed to meet either Part 199 or the FHWA rules, at the company's option. Since then it has come to my attention that the FHWA rules are subject to a court injunction. Although pipeline workers were not involved in this court proceeding, while the injunction is in effect, it would not be appropriate to apply the FHWA rules to pipeline workers nor would it be appropriate to apply RSPA rules to your truck drivers. You must, therefore, develop and implement a drug-testing plan for pipeline workers that meets Part 199 requirements. Truck drivers should be treated separately under a plan that meets FHWA rules and any applicable court restrictions. If all court restrictions are removed from the FHWA rules, we would see no problems with using a comprehensive plan as we previously advised.

If you would like further information on this subject, please call Cesar De Leon, (202) 366-1640.

Sincerely,

George W. Tenley, Jr.  
Director  
Office of Pipeline Safety