

January 23, 1990

Mr. Douglas N. Denton
Manager, Regulatory Compliance
Unocal Refining & Marketing Division
Unocal Corporation
911 Wilshire Boulevard
P.O. Box 7600
Los Angeles, California 90051

Dear Mr. Denton:

With reference to your letter of December 13, 1989, this confirms that employees at a refinery or marketing terminal who operate pumps or valves to receive product from, or send product to, a Part 195 pipeline are not subject to the Part 199 drug testing rules. Our response is based on the assumption that the pumps and valves are refinery or terminal piping, which is not regulated by Part 195, and that the pumps and valves do not involve a breakout tank, which Part 195 includes within the definition of pipeline.

You also asked the following:

Question 1.

Is a Refining or Marketing employee who operates a pump which feeds a pipeline and also monitors pumping pressures, rates and leak detection systems, subject to 49 CFR 195 and, consequently, to the testing required by 49 CFR 199?

Answer.

If operation of the pump and the associated monitoring are conducted on refinery or terminal piping as opposed to a Part 195 pipeline, then these functions would not be regulated by Part 195 and, thus, employees performing them would not be subject to Part 199.

Question 2. Would similar working relationships result in similar exemptions with regard to Transportation of Natural and Other Gases (49 CFR 192)?

Answer. Although we do not envision similar working relationships with respect to natural gas pipeline transportation, Part 199 applies to any person who performs a regulated operation, maintenance, or emergency-response function on a pipeline subject to Part 192.

Sincerely,

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