

August 14, 1992

Mr. James A. Schell  
Counsel  
SmithKline Beecham  
One Franklin Plaza  
P.O. Box 7929  
Philadelphia, PA 19101

Dear Mr. Schell:

This is in response to your correspondence of July 14, 1992, requesting guidance on whether certain statistical information about drug tests for an operator may be released to a DOT or state agency with regulatory authority over the operator. Your correspondence indicates that the Georgia Public Service Commission (PSC) has requested your laboratory provide statistical data on a number of pipeline operators who are subject to jurisdiction by the PSC.

49 CFR Section 40.29(g)(7) authorizes a laboratory to make available copies of all analytical results for employer drug testing programs when requested by DOT or any DOT agency. Since the Georgia PSC is performing these drug inspections as RSPA's agent, they are authorized to obtain this type of information from the laboratory.

The Georgia PSC has regulatory authority over all intrastate pipeline operators with regard to enforcement of the drug testing regulations contained in 49 CFR Part 199 and Part 40. Therefore, they have the authority to request and receive this type of information concerning pipeline operators who are subject to their jurisdiction.

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