

SUMMARY: The information provided herein is to inform pipeline owners and operators of situations in which consortiums or third party administrators are utilizing operator authority to require unwarranted changes to contractor anti-drug and alcohol misuse prevention plans.

Advisory: The Office of Pipeline Safety (OPS) is advising pipeline operators of reports concerning consortiums and third party administrators (TPA) that offer the service of auditing anti-drug and alcohol misuse prevention plans for the pipeline industry. Some of these auditing companies are requiring pipeline contractors to pay for revisions of their plans that may not be necessary for compliance purposes, or will make a recommendation to the pipeline operator that the use of these particular contractors could result in non-compliance. While this may be appropriate in some cases, OPS has evaluated several reports of instances where the contractor's plans and procedures were adequate and did not require revision. OPS recommends that pipeline operators provide an appeal process for contractors who believe that the auditing company's recommendation is unjustified.

Background: RSPA regulations, 49 CFR 199.21 and 199.245 require pipeline operators to ensure that the requirements of the drug and alcohol regulations are complied with by contractors performing an operation, maintenance, or emergency response function. To ensure compliance, operators are required to evaluate the contractor's anti-drug and alcohol misuse prevention plans and procedures. Many operators utilize consortiums and TPAs to provide this service.

In this type of arrangement, the consortium or TPA will review the contractor's plan and may require the contractor to make certain modifications to the plan and resubmit it for final evaluation. The process may be repeated several times until the consortium or TPA is satisfied with the plan. Reports to RSPA indicate that when a contractor does not make the requested changes, the consortium or TPA will sometimes recommend to the pipeline operator that the contractor not be used.

The consortiums and TPAs generally have a charge for the initial plan review and additional fees for subsequent reviews. Many consortiums and TPAs offer to correct the plan for the contractor at an additional charge.

OPS has received several reports of consortiums and TPAs requiring changes unnecessary for compliance

purposes to documents that were created following guidance in the RSPA model plans (as described below). These auditing companies are rejecting plans and stating that they are not adequate. Upon notification of the rejection of their plan, some contractors sought the guidance of OPS to rectify the alleged non-compliance. OPS review of several of the cases determined that the plans had been prepared in accordance with the RSPA model plans and that no changes were necessary to comply with Federal regulations.

OPS has issued guidance material, i.e. a model anti-drug plan and a model alcohol misuse prevention plan, for the use of pipeline operators and their contractors to meet the requirements of Parts 199 and 40. These plans, when appropriately modified for the individual company, should meet the minimum Federal requirements for compliance.

Issued in Washington, D.C., on May 8, 1995.

Cesar De Leon,

Acting Associate Administrator for Pipeline Safety.

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DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

May 5, 1995.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: 1545-1308

Regulation ID Number: PS-260-82 Final

Type of Review: Extension

Title: Election, Revocation,

Termination, and Tax Effect of

Subchapter S Status

Description: Sections 1.1362-1 through

1.1362-7 of the Income Tax Regulations provide the specific procedures and requirements necessary to implement § 1362, including the filing of various

elections and statements with the Internal Revenue Service.

Respondents: Individuals or households, Business or other for-profit, Farms

Estimated Number of Respondents: 133

Estimated Burden Hours Per

Respondent: 4 hours, 20 minutes

Frequency of Response: On occasion

Estimated Total Reporting Burden: 322 hours

Clearance Officer: Garrick Shear, (202)

622-3869, Internal Revenue Service,

Room 5571, 1111 Constitution

Avenue, N.W., Washington, DC 20224

OMB Reviewer: Milo Sunderhauf, (202)

395-7340, Office of Management and

Budget, Room 10226, New Executive

Office Building, Washington, DC

20503

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 95-11738 Filed 5-11-95; 8:45 am]

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Public Information Collection Requirements Submitted to OMB for Review

May 2, 1995.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: 1545-0092

Form Number: IRS Form 1041 and

Related Schedules D, J, and K-1

Type of Review: Extension

Title: U.S. Income Tax Return for Estates and Trusts (1041); Capital Gains and Losses (Schedule D); Accumulation Distribution for a Complex Trust (Schedule J); and Beneficiary's Share of Income, Deductions, Credits (Schedule K-1)

Description: Internal Revenue Code (IRC) section 6012 requires that an annual income tax return be filed for estates and trusts. Data is used to determine that the estates, trusts, and beneficiaries filed the proper returns and paid the correct tax. IRC section 59 requires the fiduciary to recompute the distributable net income on a minimum tax basis.