



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

JAN - 4 2007

400 Seventh Street, S.W.  
Washington, D.C. 20590

Mr. James Portsmouth  
Traffic Manager  
Energy Solutions Federal Services  
345 Hills Street  
Richland WA, 99354-5507

Ref. No.: 06-0255

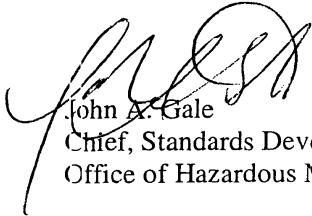
Dear Mr. Portsmouth:

This is in response to your October 26, 2006 letter requesting clarification of the applicability of training requirements provided in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171- 180). Specifically, you ask whether the training requirements contained in the HMR apply to employees who prepare shipments of hazardous waste for transportation in commerce when those employees are overseen by a person fully trained in accordance with Subpart H of Part 172.

The answer is yes. Except as provided in § 172.704(c)(1), hazmat employees who perform regulated functions must be trained in the HMR requirements that apply to that function (172.702(b)). Regulated functions include: (1) determining the hazard class of a material; (2) selecting an appropriate packaging; (3) filling a packaging; (4) securing packaging closures; (5) marking and labeling a package; and (6) preparing shipping papers. Hazmat employees must receive general awareness, function specific, safety training, and security awareness training in accordance with Subpart H of Part 172. Training conducted to comply with requirements of the Occupational Safety and Health Administration, the Environmental Protection Agency, or other mandated training requirements may be used to the extent that such training satisfies the training and testing requirements in Subpart H of Part 172.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,



John A. Gale  
Chief, Standards Development  
Office of Hazardous Materials Standards



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172.704

  
**ENERGYSOLUTIONS**  
Federal Services

*Learg*  
*§172.704*  
*Training*  
*06-0255*



October 26, 2006

JHP-07-4603

Mr. Edward T. Mazzuillo, Director  
Office of Hazardous Materials Standards, PHH-1  
Pipeline and Hazardous Materials Safety Administration  
U.S. Department of Transportation  
Attention: DHM-10  
400 7<sup>th</sup> Street S.W.  
Washington, D.C. 20590-0001

**REQUEST FOR CLARIFICATION OF THE HAZARDOUS MATERIALS  
REGULATIONS**

Dear Mr. Mazziullo:

The purpose of this letter is to request clarification of the Hazardous Materials Regulations (HMR:49 CFR Parts 171-180), and in particular 172.704(a) in regards to the requirement for employers to provide "hazmat employees" DOT training.

EnergySolutions Federal Services, Inc. formally known as Duratek Federal Services, Inc. operates a hazardous materials waste processing facility for the U.S. Department of Energy (DOE) at the Hanford Site in Richland, Washington. Part of our responsibility in the operations of this facility, is to package, over pack and prepare for transport in commerce hazardous waste (including chemical wastes and low level radioactive wastes). To prepare for these off site shipments our operators load drums and standard waste boxes (SWBs) and over pack drums as needed. These operators have completed numerous DOE sponsored training classes to include but not limited to, the OSHA 40-hour, 24-hour and 8-hour refresher which train these employees in the areas of safety and the hazards associated with the materials they are packaging for transport. This training includes some basic Department of Transportation (DOT) hazardous materials general awareness and safety training.

Additionally, each group of operators is overseen by a Person in Charge (PIC) who has had all of the required DOT training in 172.704. This PIC oversees the Operators in the actual loading of the SWBs and drums, as well as any over packing activities.



Please address the following question:

If the PIC is fully trained in the DOT regulations in 49 CFR Subpart H and is directing the Operators in what to place in the containers and how to load and prepare the drums and SWBs, does each individual involved in this process require the DOT training in 49 CFR 172.704?

If you need any additionally information regarding this request for interpretation, please feel free to contact me at (509) 376-7164 or by e mail at [JHPortsmouth@energysolutions.com](mailto:JHPortsmouth@energysolutions.com).

Sincerely,

A handwritten signature in cursive script that reads "James H. Portsmouth".

James H. Portsmouth  
Traffic Manager

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