



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

MAR 29 2007

Mr. Terrance Dickerson
Arizona Public Service/ PVNGS
Mail Station 6313
5801 South Wintersburg Rd.
Tonopah, AZ 85354

Ref. No. 07-0014

Dear Mr. Dickerson:

This responds to your January 19, 2007 letter requesting clarification of the training requirements in § 172.704 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask about the applicability of the training requirements to crane operators and other persons involved with handling and loading of packages and containers of articles and materials regulated as Class 7 materials under the HMR. Your questions are paraphrased and answered below.

Q1. How do the training requirements apply to the personnel involved in the following operations: (1) removal of a valve from system piping by mechanical maintenance, rigging and crane personnel; (2) transfer of the valve to the container loading area by crane personnel; (3) loading of the valve into a container by crane personnel, crane signalmen, and an employee providing directions as to how the valve must be loaded; (4) securing the valve in the container by maintenance personnel; and (5) placing and securing the closure on the container by crane personnel, maintenance personnel, and an employee providing directions?

A1. In the scenario, the crane operators, maintenance personnel, and crane signalmen are not considered hazardous materials employees (hazmat employees) as that term is defined in the HMR and, thus, are not subject to the training requirements in § 172.704. As your letter indicates, the employees providing directions as to how the valve must be loaded and secured in the container and how the container must be closed and secured are considered hazmat employees and must be fully trained in accordance with the regulatory requirements.

Q2. How do the training requirements apply to the personnel involved in the following operations: (1) disassembly of robotic inspection equipment; (2) performance of a radiological survey of the disassembled robotic inspection equipment; (3) decontamination of the disassembled robotic inspection equipment; (4) transfer of the equipment by crane to the packaging location; and (5) placement of the equipment in a cargo container for transportation?



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A2. In the scenario, the personnel who disassemble the equipment, decontaminate the equipment, and transfer the equipment to the packaging location are not considered hazmat employees and are not subject to the training requirements in § 172.704. Employees performing radiological surveys and employees directing the placement of the equipment in a cargo container are considered hazmat employees and must be fully trained in accordance with the regulatory requirements.

Q3. How do the training requirements apply to the personnel involved in the following operations: (1) collection of waste or other materials from locations throughout the facilities; and (2) movement of previously used "Empty" containers within the facility?

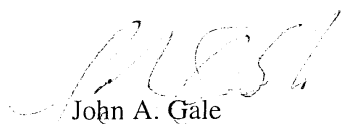
A3. Movement of materials that occurs solely within a contiguous facility boundary where public access is restricted is not subject to HMR requirements; thus, employees who perform functions related to such movement are not required to be trained.

Q4. In accordance with § 172.704(c), a new hazmat employee or a hazmat employee who changes job functions may perform job functions prior to the completion of training provided the employee is under the direct supervision of a properly trained hazmat employee and training is completed within 90 days of employment or the change in job functions. Is this provision also intended to apply to contract personnel employed for periods of less than 90 days or to contract personnel employed for multiple periods of 90 days or less with the same or a different employer?

A4. The provision in § 172.704(c) is intended to apply to contract personnel employed for periods of less than 90 days. Note that the person providing direct supervision must be able to instruct the employee on how to properly perform the hazmat function, must observe performance of the hazmat function, and must be able to take immediate corrective action in regard to any function not performed in conformance with the HMR. The provision in § 172.704(c) is not intended to apply to contract personnel employed for multiple periods of 90 days or less with the same employer. This provision is intended to address short-term employment. Since contract personnel employed for multiple periods of 90 days or less with the same employers retain employment for greater than ninety days (even though they may not be performing the hazmat functions for greater than ninety consecutive days) and may perform these functions again, they must be properly trained.

I trust this answers your inquiry.

Sincerely,



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

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§ 172.704(c)
Training
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Mr. Rick Boyle,

Per our phone conversation on 10/27/06, I am providing the following scenarios for consideration in determining the DOT Hazmat training requirements of the employees involved in these activities. The area of concern involves the handling of materials prior to and during placement into the transportation package. I have reviewed HM-223 and subsequent letters of interpretations concerning the definition of a Hazmat Employee, as well as 49CFR172 Subpart H training criteria, with questions remaining following the Region IV event we discussed.

Scenario #1: Loading of Large Valves into a General Design Package - This process begins with the removal of a large valve from system piping. To facilitate the handling of the valve, a building crane is attached to the valve prior to removal from the system. Mechanical Maintenance, Rigging and Crane personnel perform these activities. The valve is transferred to the container loading area which is typically not in the general vicinity of the removal activities. The crane operator is located at a considerable distance, approximately fifty feet or more, from the evolution and may or may not be able to see the loading of the container. In the loading area, 49CFR172 Subpart H trained Hazmat Employee(s) provides directions for loading the valve into the container to the signalman directing the crane operator. The valve is lowered onto a base plate within the container and is secured with bolts by maintenance personnel. This valve is then disconnected from the crane and the crane is used to place a metal enclosure over the valve which is then secured to the container base by Maintenance personnel under the direction and verification of a Hazmat Employee(s). The Mechanical Maintenance, Rigging and Crane personnel operate under PVNGS site work orders which do not reference DOT transportation functions. Procedures referencing DOT transportation and packaging functions are the responsibility of the trained Hazmat Employee(s) at the packaging location as described in PVNGS procedures. All further actions in support of packaging and shipment are performed by Hazmat Employee(s) concerning transportation functions.

Scenario #2: Loading of Inspection Equipment into a Large General Design Package (Sealands) - This process involves the disassembly of Robotic Inspection Equipment that is owned and operated by a contract company (i.e. Westinghouse, General Electric, Framatone) at a location adjacent to or removed from the packaging location. The inspection equipment is typically disassembled by Vendor technicians familiar with the equipment. A radiological assessment survey is performed by Hazmat Trained Employee(s) for surveys supporting transportation functions prior to wrapping the material for contamination control purposes. The material may be decontaminated prior to wrapping by Decon personnel. The material is then hand carried or lifted by crane as in scenario #1 to the packaging location. A Hazmat Trained Employee is responsible for and directs the placement of all items being loaded into the cargo container. All further actions are performed by Hazmat Employee(s) concerning pre-transportation functions.

Scenario #3: Miscellaneous Material Handling within a Facility Prior to Shipment - This process includes collection of waste or other materials from various locations throughout the facility. This material is typically placed in containers to facilitate handling due to the quantity of objects and types of materials. Additionally, previously used "Empty" containers may also be moved within the facility by various work groups. These containers are then turned over to a 49CFR172 Subpart H trained Hazmat Employee(s) when the determination is made that the containers and contents will require shipment from the facility. The Hazmat Employee(s) performs the required packaging inspections (i.e. gasket inspections, container closure, contents verification and radiological assessments) to comply with DOT regulations and all further transportation functions.

Non Hazmat Employee - Work orders and procedures used by Mechanical Maintenance, Rigging, Crane, Vendor, Decon and other various personnel do not include signatures or information concerning transportation functions. These personnel also receive training and qualifications relevant to their respective disciplines. Actions performed by these individuals would not be different regardless of the material or containers eventual disposition, for example storage or movement within the facility for reuse versus shipment in accordance with DOT regulations.

Hazmat Employee - The 49CFR172 Subpart H trained Hazmat Employees in the above scenarios are responsible for hazard class determination, package selection, the filling process, securing of the container closure in accordance with the manufactures criteria and all further activities involved in the shipment preparation. In addition, DOT radiological surveys, packaging integrity inspections (i.e. gaskets, vents, plugs, bolts, etc.), blocking or bracing of package contents and weight measurements are performed by the Hazmat Employee(s) in accordance with APS/PVNGS procedures. Pre-transportation safety functions are the responsibility of and

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documented by the Hazmat Employee.

Question #1: Do the above scenarios satisfy the DOT regulations in regard to the Hazmat Employee **level** of involvement and responsibility in pre-transportation functions?

Question #2: If answer is No to Question #1, where do the pre-transportation functions begin in the **above** scenarios?

Question #3: If answer is No to Question #1, What "Function Specific" training would be required to **comply** with 49CFR172 Subpart H for the Mechanical Maintenance, Rigging, Crane, Vendor, Decon and other **various** personnel listed in the above scenarios?

Question #4: It is my understanding that the references in 49CFR172.704 (c) to a new Hazmat Employee who changes job function is not intended for contract personnel whom are employed for periods of 90 days or less. This would allow an individual to work as a Hazmat Employee for different employers indefinitely. The **intent** is for an individual to work as a Hazmat Employee until the training becomes available, however it shall not exceed a 90 day period. Is this a correct understanding of the intent regarding changes in job function?

Question #5: Does the 90 day training exemption apply to transient contract personnel employed for **multiple** periods of 90 days or less with the same or different employer?

Your assistance in answering the above questions is appreciated. If you desire further information or clarification on the above, please contact myself at (623) 393-3729 or Z32438@apsc.com.

Terrance Dickinson
RP Shipping Sr.
Arizona Public Service/PVNGS

Email Firewall made the following annotations

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