



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

MAR 29 2016

Ms. Amy Morgan Bruecks
Independent Cylinder Training
406 S.W. 4th Street
Oklahoma City, OK 73109

Reference No. 15-0213

Dear Ms. Bruecks:

This letter is in response to your October 14, 2015 e-mail and letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to recurrent training requirements for hazmat employees as prescribed in § 172.704(c)(2). Specifically, you ask if hazmat employees who perform eddy current examinations of Department of Transportation (DOT) 3AL specification cylinders in conformance with the requirements prescribed in 49 CFR Appendix C to Part 180 - Eddy Current Examination with Visual Inspection for DOT 3AL Cylinders Manufactured of Aluminum Alloy 6351-T6, are required to receive recurrent hazmat training every three years as prescribed in § 172.704(c)(2).

The answer is yes. Section 8 of 49 CFR Appendix C to Part 180 requires each person who performs eddy current and visual examinations, and evaluates and certifies the retest results as prescribed must be certified by the employer that he or she has been properly trained and tested to properly perform these procedures. Further, the approval letters the Pipeline and Hazardous Materials Safety Administration issues to grant individuals the authority to eddy current test a cylinder in conformance with 49 CFR Appendix C to Part 180 require each "hazmat employee," as defined in § 171.8, who performs a function subject to that approval to receive appropriate training in accordance with § 172.702. Section 172.702(a) requires a hazmat employer to ensure each of its hazmat employees is trained in conformance with the requirements prescribed in 49 CFR Part 172, Subpart H, which includes the requirement for hazmat employees to receive recurrent function-specific hazmat training every three years as specified in § 172.704.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

T. Glenn Foster
Chief, Regulatory Review and Reinvention
Standards and Rulemaking Division

Edmondson
8172.704
General Training
15-0213

Dodd, Alice (PHMSA)

From: Geller, Shelby CTR (PHMSA)
Sent: Thursday, October 15, 2015 2:52 PM
To: Hazmat Interps
Subject: FW: Request for a letter of interpretation on HMR
Attachments: LOI Eddy Current training requirement.pdf

Importance: High

Dear Shante and Alice,

Forwarded is a request for a formal letter of interpretation.

Thanks,
Shelby

From: Amy Morgan Bruecks [<mailto:amy@amybruecks.com>]
Sent: Wednesday, October 14, 2015 4:15 PM
To: PHMSA HM InfoCenter
Subject: Request for a letter of interpretation on HMR
Importance: High

Dear Sirs/Madam,

Please see attached request for letter of interpretation to the HMR.

If you have any questions, please call or e-mail.

Regards,
Amy Morgan Bruecks
Independent Cylinder Training
(405) 239-2068
www.amybruecks.com

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October 14, 2015

U.S. DOT
PHMSA Office of Hazardous Materials Standards
Attn: PHH-10
East Building
1200 New Jersey Avenue, SE.
Washington, DC 20590-0001

RE: Recurrent training requirements for Eddy Current Testing

To Whom It May Concern:

I am requesting interpretation of the Eddy Current Training requirements found in 49 CFR Appendix C to Part 180—Eddy Current Examination with Visual Inspection for DOT 3AL Cylinders Manufactured of Aluminum Alloy 6351-T6.

The general training requirements for all hazmat employees is per 49 CFR§172.704

Training requirements:

(c)(2) Recurrent training. A hazmat employee must receive the training required by this subpart at least once every three years.

There does not appear to be a reference to the above quoted 49CFR 172.704(c)(2) in 49CFR 180 Appendix C paragraph:

8. Personnel Qualification Requirements. Each person who performs eddy current and visual examinations, and evaluates and certifies retest results must be certified by the employer that he/she has been properly trained and tested in the eddy current and visual examination procedures.

My question is, does the eddy current training requirement also fall under the 49 CFR 172.704 (c)(2) 3 year recurrent training requirement?

Thank you for your assistance in this matter.

Respectfully submitted,

Amy Morgan Bruecks

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Independent Cylinder Training