

DEPARTMENT OF TRANSPORTATION

**Research and Special Programs
Administration**

49 CFR Part 172

[Docket No. HM-126F; Amdt. No. 172-126]

RIN 2137-AB26

**Training for Safe Transportation of
Hazardous Materials; Correction**

AGENCY: Research and Special Programs
Administration (RSPA), Department of
Transportation (DOT).

ACTION: Final rule; correction.

SUMMARY: This amendment makes a revision to a final rule published in the Federal Register under Docket HM-126F (57 FR 20944, May 15, 1992). That final rule revised the Hazardous Materials Regulations with respect to regulatory requirements for the training and testing of hazardous materials (hazmat) employees by hazmat employers. This amendment clarifies that a hazmat employer must test each hazmat employee to ensure that the training received is effective.

DATES: This amendment is effective on July 1, 1992. However, compliance with the regulations amended herein is authorized immediately.

FOR FURTHER INFORMATION CONTACT:
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SUPPLEMENTARY INFORMATION: On May 15, 1992, RSPA published a final rule under Docket HM-126F (57 FR 20944), which revised the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180) with respect to training and testing requirements for persons involved in the transportation of hazardous materials. This action was necessary to comply with Section 7 of the Hazardous Materials Transportation Uniform Safety Act of 1990 (HMTUSA), enacted November 16, 1990, which amended Section 106 of the Hazardous Materials Transportation Act (HMTA), 49 App. U.S.C. 1801 *et seq.*, to require training and testing to be given by all "hazmat employers" to their "hazmat employees" regarding the safe transportation of hazardous materials including emergency response.

In § 172.704(d)(5) of the final rule, a hazmat employer is required to provide a record which includes certification that a hazmat employee has received training and has been tested. RSPA inadvertently omitted a similar requirement for testing of hazmat employees in § 172.702, which requires a hazmat employer to ensure that each hazmat employee is trained. This amendment adds a requirement in § 172.702(d) that each hazmat employer ensure that each hazmat employee is tested.

The diversity of job functions covered by the final rule makes it impractical to develop specific requirements for testing all categories of employees to ensure they have been properly trained. Therefore, there are no detailed testing procedures specified in the rule, which allows the hazmat employer maximum flexibility.

The final rule published May 15, 1992 at 57 FR 20944, (FR Doc. 92-11460) is corrected as follows:

In § 172.702, on page 20952, in the third column, the section heading is revised and a new paragraph (d) is added to read as follows:

§ 172.702 Applicability and responsibility for training and testing.

(d) A hazmat employer shall ensure that each of its hazmat employees is tested by appropriate means on the training subjects covered in § 172.704.

Issued in Washington, DC on May 20, 1992, under authority delegated in 49 CFR part 1.

Travis P. Dungan,

*Administrator, Research and Special
Programs Administration.*

[FR Doc. 92-12240 Filed 5-26-92; 8:45 am]

BILLING CODE 4910-60-M