



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

OCT 11 2002

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

Mr. J. H. Portsmouth
Traffic Manager
Duratek Federal Services, Inc.
Northwest Operations
345 Hills Street
Richland, Washington 99352

Reference No.: 02-0255

Dear Mr. Portsmouth:

This is in response to your letter asking for clarification of the training requirements for hazmat employees under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether the frequency of training required by § 177.816(a) is the same as the frequency of training in § 172.704.

The answer is yes. The training prescribed in Part 172, Subpart H of the HMR, must initially be completed within 90 days after employment or a change in job function and recurrent training at least once every three years. The driver training required by § 177.816(a) is considered to be function-specific training under § 172.704(a)(2).

I trust this satisfies your inquiry.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



020255

177.816



Duratek Federal Services, Inc.
Northwest Operations
345 Hills Street
Richland, Washington 99352
(509) 376-7055 - Phone
(509) 372-1435 - Fax

September 23, 2002

Corbin
\$177.816
Training
02-0255

JHP-02-2362

Mr. Delmer F. Billings
Chief, Regulations Development
Office of Hazardous Material Standards
Research and Special Programs Administration
United States Department of Transportation
400 Seventh Street Southwest
Washington, DC 20590

Dear Mr. Billings:

CLARIFICATION OF LETTER

Duratek Federal Services, Inc. (Federal Services) Training Services Department requests further clarification of your Letter of Interpretation #7993, dated June 18, 1996, regarding driver training provisions in Title 49, *Code of Federal Regulations*, (49 CFR) §177.816.

Specifically, question number 3: "Is the training specified in 49 CFR §177.816 subject to both initial and recurrent training requirements in 49 CFR §172.704?" Your answer was "Yes".

49 CFR §177.816 (d) states that 49 CFR §172.704 applies to 49 CFR §177.816 (b) "Specialized requirements for cargo tanks and portable tanks", but does not refer to 49 CFR §177.816 (a), which addresses the requirements for HAZMAT drivers to be trained in 49 CFR Parts 390-397.

We have been unable to locate any reference in the Federal Motor Carrier Safety Regulations requiring recurrent instruction in 49 CFR Parts 390-397, and do not believe that 49 CFR §177.816 (d) applies to 49 CFR §177.816 (a).

Your clarification in this matter is appreciated.

Sincerely,

J. H. Portsmouth

J. H. Portsmouth
Traffic Manager

ars

DFSNW - J. B. Hall
R. W. Reddinger
JHP File/LB
FH - G. C. Triner