



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

AUG 3 2005

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

Mike E. Moore, P.G.
Scana Power for Living
6248 Bush River Road
Columbia, SC 29212-0934

Reference No. 05-0066

Dear Mr. Moore:

This is in response to your e-mails concerning whether or not a plant's receiving facility is required to develop a security plan under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You state the plant's employees assist carriers with off-loading bulk packages of hazardous material, as well as other related tasks.

Section 172.800(b) requires each person who offers for transportation or transports in commerce one of the hazardous materials listed in §§ 172.800(b)(1) through 172.800(b)(7) to develop and implement a security plan. Under the HMR, facilities that receive hazardous materials are not required to have security plans.

I hope this information is helpful.

Sincerely,

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



050066

172.800

Edmonson, Eileen <PHMSA>

From: MOORE, MICHAEL E [M Moore@scana.com]
Sent: Tuesday, March 22, 2005 4:14 PM
To: Edmonson, Eileen <PHMSA>
Subject: DOT Security Plan Triggers

Edmonson
3172-800
Security Plans
05-0066

This is to follow up on our phone conversation regarding the following scenario and the implications for triggering or requiring the receiving facility to create and implement a Security Plan. Any amplifying information, citations, etc. would be helpful.

Scenario: A Facility receives Fuel Oil, Sulfuric Acid, Anhydrous Ammonia, and various other Bulk shipments of Haz Mat that are required for plant operations. Typically off loading various hose hook ups are made by the delivering carriers driver. In most cases facility operational personnel will also be engaged during the delivery to operate facility valving, pumps, or other process controls in the vicinity of the unloading vehicle, or even signing for the delivery. They would also function to respond if an off normal event occurred. As such, aiding in the delivery would make these facility employees "Haz Mat Workers".

The question is whether any of the activities described where a facility **receives** Haz Mat is a trigger for the Facility to create a "Security Plan for the Site"? Does it matter if the Haz Mat delivered is being transported and delivered under a Security Plan?



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