



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue SE
Washington, DC 20590

NOV 21 2011

Jeff Shouse
QA Manager
c/o Waste Control Specialists LLC
9998 Hwy 176 W.
Andrews, TX 79714

Reference No.: 11-0263

Dear Mr. Shouse:

This is in response to your October 25, 2011 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) as they pertain to transportation security plans. Specifically you ask if identified security concerns should be listed or identified within the security plan, or if the security plan should include what measures the facility incorporates to address weaknesses identified during the performance of a risk assessment.

Transportation security plans must contain both an identification of transportation security risks and identify the measures incorporated by the facility to deal with these security risks. The components of a security plan are identified in § 172.802 for those who offer for transportation in commerce or transport in commerce one or more of the hazardous materials listed in § 172.800(b). Section 172.802(a) states that a security plan must include an assessment of transportation security risks and also include appropriate measures to address the assessed risks.

I hope this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

Delmer Billings
Senior Regulatory Advisor
Standards and Rulemaking Division

Drakeford, Carolyn (PHMSA)

Webb
§172.802(a)
Security Plans
11-0263

From: Betts, Charles (PHMSA)
Sent: Tuesday, October 25, 2011 3:17 PM
To: Drakeford, Carolyn (PHMSA)
Subject: Fw: Interpretation of regulation 49 CFR 172.802(a)

Please log and assign for handling

From: Jeff Shouse [<mailto:jshouse@wcstexas.com>]
Sent: Tuesday, October 25, 2011 01:38 PM
To: Betts, Charles (PHMSA)
Subject: Interpretation of regulation 49 CFR 172.802(a)

Mr. Betts,

A question was raised as to the intent / interpretation of the requirement of 49 CFR 172.802(a) which states: "The security plan must include an assessment of transportation security risks for shipments of the hazardous materials listed..."

Our question is, should this be interpreted to mean that the written risk assessment identified concerns should be listed and or identified within the security plan, or that the facility incorporates measure to place barriers that would address weaknesses identified during the performance of the risk assessment?

Jeff Shouse, RRPT
QA Manager
Waste Control Specialists LLC
Ph. (432) 525-8500 ext. 222
Fax. (575) 394-3427
Cell. (432) 425-3517

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Did not include the risk analysis in the plan

06-0177