

Operator Qualification

Frequently Asked Questions

Application and Customization of 'Off-the-Shelf' Programs

1.1 What responsibility does an operator have if it chooses to use an 'off-the-shelf' OQ program?

An operator choosing to use an 'off-the-shelf' OQ program (e.g., MEA, New England Gas Association, Consortium on Operator Qualification) is still fully responsible to understand and meet the provisions of the OQ Rule. For example, the operator must assure that tasks performed in its unique operating environment by its employees or contractors are evaluated to determine whether they are covered or not. It must also determine which of its employees and contractors perform the covered tasks, and ensure that they are qualified to perform the tasks. Additionally, it must understand the basis on which reevaluation intervals have been specified and implement any performance monitoring activities needed to assure qualified persons are performing covered tasks in an acceptable manner. If an operator identifies reevaluation intervals that should either be lengthened or shortened, it should modify the reevaluation interval and document justification for the changes. In addition, it should notify the 'program sponsor' of the changes so further consideration can be given to programmatic changes.

Contractor Qualification

1.2 Do contractor employees have to be in compliance by the same date as employees of operators?

It is the operator's responsibility to ensure that every individual, whether employed by the operator or by a contractor who performs a covered task on an operator's pipeline after the compliance date, must either be qualified to perform those tasks or be directed and observed by a qualified person.

1.3 Will contractors be required to have a written OQ?

Only pipeline operators are covered under the OQ rule. The qualification of individuals performing covered tasks who are employed by contract organizations must be assured by the operator retaining the contractor. A contractor only needs to have a written program plan if the operator for whom it is performing covered tasks requires one.

1.4 How might an operator ensure that individuals employed by contractors are qualified to perform covered tasks?

An operator has a number of options for ensuring that contractor personnel are qualified, including:

- (a) requiring the contractor to develop, maintain and implement a qualification process that meets the operator's contract specifications;
- (b) including contractor personnel in the operator's program;
- (c) requiring the contractor to participate in a consortium.

1.5 Does the operator have to maintain records that show it has verified acceptable implementation of the program of contractors performing covered tasks?

The operator must maintain records that demonstrate compliance with the regulation. Depending on the operator's approach to qualification of contractor personnel, the operator may have to maintain records related to the qualification of contractor personnel, or may rely on the records maintained by the contractor. Records maintained by the operator may include documents indicating that the contractor's program has been audited and verified, or qualification records of contractor personnel performing covered tasks.

1.6 Are contractors required to utilize the operator's procedures for performing covered tasks?

Contractors are not required to use the operator's procedures for performing covered tasks. However, if a contractor uses different procedures, the operator is responsible to ensure that these procedures are acceptable and documented in their O&M manual, and for ensuring that the contract individuals are qualified in performance of covered tasks using these procedures.

1.7 Will OPS grant contractors any extension for the compliance date of October 28?

No, individuals performing covered tasks are required to be qualified on 10/28/02 or by the date following 10/28/02 when they first perform a covered task.

1.8 Are contractors hired by local distribution companies (LDCs) responsible for qualifying individuals expected to perform covered tasks under the OPS regulatory requirements, or is satisfying the requirements always the responsibility of the LDC?

Each operator is responsible for assuring that individuals performing covered tasks are qualified. This is true whether it operates transmission lines or distribution lines, and whether the individual is an employee or a contractor.

Treatment of Abnormal Operating Conditions (AOCs)

1.9 What role do abnormal operating conditions (AOCs) play in the OQ rule?

To be qualified to perform a covered task individuals must not only demonstrate the knowledge, skill and ability to perform the task; but also be able to recognize and react to AOCs they may encounter while performing a covered task. Such AOCs should be both task-specific and general in nature (e.g., a leak in the pipeline, a fire on or near the line).

1.10 Is the operator required to maintain a complete listing of AOCs used to train individuals performing covered tasks?

The operator is responsible to ensure that persons performing covered tasks are capable of recognizing and reacting to AOCs. Discharging this responsibility will require that both task-specific and general AOCs be identified, used in training, and incorporated in the evaluation process. Since development of a complete listing of task-specific AOCs may not be possible, the operator must demonstrate that its training and qualification process prepares the qualified individual to understand the types of conditions that may be AOCs, and provides those individuals with guidance on how to respond to these conditions.

Training Requirements (Initial Qualification, Remedial if Initial Failure, and Reevaluation)

1.11 Will employees be able to qualify to perform covered tasks based on written and/or job performance testing without specific training prior to testing?

Yes. The purpose of this rule is to ensure that those persons performing covered tasks on the pipeline have been evaluated and qualified both to perform covered tasks, and to recognize and react to abnormal operating conditions. Training may be an integral step in preparing for evaluation; however, it is not required under provisions of this rule.

1.12 How should training be incorporated in an operator's program plan?

Training is a means to ensure that a person performing a covered task has the knowledge and skills needed to perform the task. As such, it should be incorporated in practices leading to the development and qualification of new employees, as well as in refreshing the knowledge and skills of persons with considerable experience. In particular, any significant change in the procedures on which covered tasks are based should be the subject of new training for all persons performing covered tasks. In addition, qualified persons who fail initial evaluation or reevaluation testing may be provided with remedial training in their areas of deficiency.

1.13 What is the role of computer-based or web-based training in complying with the OQ Rule?

Training is a means to the end of qualification. It may be a necessary means in many or most cases, but the OQ Rule does not explicitly require training. Therefore, the type of training undertaken by the operator should be tailored to best meet the objective of evaluation and qualification of individuals performing covered tasks.

Intra-Operator Implementation Consistency

1.14 Should an operator ensure that implementation of its OQ program plan is consistent throughout its organization?

In general, operators should provide some means to assure that all organizational units covered by a single OQ program plan are interpreting and implementing the plan consistently. Promoting individual initiative within the organizational units to improve practices should also be encouraged. However, superior practices developed by organizational units should be sought out and implemented consistently across the operators organizational units. By using consistent broad implementation, changes in procedures and practices can be communicated more consistently throughout the organization.

Extent of Documentation

1.15 How should an operator treat documentation requirements?

The OQ Rules require a minimum level of documentation and retention of qualification records:

Qualification records shall include:

- (a) identification of qualified individual(s);
- (b) identification of the covered tasks the individual is qualified to perform;

- (c) date(s) of current qualification; and
- (d) qualification method(s).

Records supporting an individual's current qualification shall be maintained while the individual is performing the covered task. Records of prior qualification and records of individuals no longer performing covered tasks shall be retained for a period of five years.

In addition, any records referenced in the operators program plan as being necessary to verify compliance with provisions of the Rule must be available and retained for a time period specified in that program plan.

Management of Mutual Assistance

1.16 What requirements exist related to the qualification of persons participating in mutual assistance agreements?

Mutual assistance agreements are typically designed to clarify the conditions under which pipeline operators support each other in the safe restoration of services following a significant outage. It is the responsibility of the operator whose system is being restored to ensure that all persons participating in such mutual assistance agreements are qualified to perform covered tasks on which they are working.

Analysis of Consistency of Procedures in Use with Those on which Qualification is Based

1.17 Should operators implement measures to ensure that the procedures on which qualification is based are consistent with the actual practices implemented in the field?

A major purpose of the operator qualification rule is to eliminate errors that might affect the integrity of pipeline systems. Such errors can be inadvertent (e.g., forgetting a step in implementation of a procedure) or systemic (e.g., practices that are consciously inconsistent with written procedures). Elimination of systemic errors is as important as eliminating inadvertent ones. Therefore, operators should incorporate into their qualification program plans provisions for assuring that practices in the field are the same as those on which persons are qualified. Such provisions might include field audits of on-job performance by independent audit organizational units within the company.

Criteria for Loss of Qualification

1.18 Should operators incorporate criteria in their program plans for termination of an individual's qualification to perform covered tasks?

The Rule includes requirements for operators to (a) 'evaluate an individual if the operator has reason to believe that the individual's performance of a covered task contributed to an incident as defined in Part 191; and' (b) 'evaluate an individual if the operator has reason to believe that the individual is no longer qualified to perform a covered task'. Either of these evaluations could lead to a decision to terminate qualification of a previously qualified individual. Because termination of qualification is an action with potentially significant implications to an individual's job classification, the operator should incorporate in its program documentation on the conditions under which this decision will be made, and the requirements for reinstatement of an individual's qualification. As

appropriate, these criteria and reinstatement requirements should be negotiated with any applicable bargaining unit to prevent the provisions from being undermined when they are to be implemented.

Development of Covered Task List (Process)

2.1 What are the operations and maintenance provisions of the code to which the operator qualification rules apply?

Most of the operations and maintenance activities on pipeline facilities are found in 49 CFR part 192, subparts L and M, or in 49 CFR part 195, subpart F. In addition, the regulations contain other subparts that include requirements for conducting operations and maintenance activities. For example, part 192, Subpart I, establishes requirements for protecting metallic pipelines from external, internal, and atmospheric corrosion. The requirements to monitor corrosion control systems are operations activities. The requirements to take corrective action when deficiencies are found in a corrosion control program are maintenance activities. Therefore, repairing pipelines affected by corrosion is also a maintenance activity.

2.2 How should an operator differentiate between O&M tasks and new construction tasks?

The purpose of maintenance is to ensure the serviceability of existing pipelines. If a pipe segment cannot fully and safely operate without the completion of a certain task, then that task should be considered maintenance. Ordinary repairs to a pipeline, including replacement of one or more pipe joints that have been severely damaged by threats such as corrosion or third party damage, should be considered maintenance. Any task carried out on a new segment of pipeline beginning with its tie in to an existing system should be considered operation or maintenance. New construction includes pipeline system expansion that extends service to a new customer or increases capacity for existing customers. Company accounting practices that differentiate between capital projects and O&M expenditures are irrelevant in the determination of whether a task is covered.

2.3 Does the location where a task is performed affect whether it is a covered task?

Yes, for example, if an individual performs a bench test on a regulator at the manufacturer's shop, she/he is not performing a covered task. However, if an individual were to perform the same bench test on a regulator at the compressor station, she/he is performing a covered task and would need to be qualified. The distinction between these two situations is the difference in the four-part test dealing with 'Pipeline Facility' and the proximity to the pipeline.

2.4 Can certain tasks be either covered or non-covered depending on when and where they are performed?

Yes, certain tasks performed on pipeline facilities may be covered tasks when performed in the course of operation and maintenance activities, but may not be covered tasks in the course of other activities. For example, 'welding' could be a covered task when performed as an operations and maintenance activity on a pipeline, such as when installing a weld-over sleeve to repair an anomaly. However, 'welding' is not a covered task under this subpart when performed during the fabrication of new installations, because this would not be an operations and maintenance task.

2.5 Under emergency conditions, sometimes a manager is the first to arrive and knows how to respond. Can he/she take action (e.g., close an isolation valve) if the required action is a covered task and she/he is not qualified to perform that task?

Emergency conditions are not covered under this Rule. Prudent response to accident conditions is always appropriate.

2.6 Will OPS urge, strongly recommend, or encourage inspectors to utilize a master list of covered tasks to inspect operators?

No. Initially, inspectors will be strongly encouraged to evaluate the strength of the process an operator has used to identify covered tasks rather than focus exclusively on the covered task list itself. As experience is gained in operator positions on covered tasks where unanimity doesn't exist, there will likely be a tendency to focus inspection resources on reviewing the justification for excluding tasks that some operators have included in their covered task list.

Evaluation Method(s) (Demonstration of Knowledge, Skill & Ability) and Relationship to Covered Tasks

2.7 What are acceptable evaluation methods?

Acceptable evaluation methods are listed in the rule, and include:

- (a) written examination;
- (b) oral examination;
- (c) work performance history review;
- (d) observation during on-the-job performance, during on-the-job training, or in simulations; or
- (e) other forms of assessment. The evaluation methods selected should be appropriate for the covered task. Consideration should be given in selecting evaluation methods for each covered task to how to evaluate the individual's knowledge, skill, and physical ability to perform the task. Evaluation methods for each covered task should be justified and documented.

2.8 What capabilities must be tested for a candidate to qualify to perform covered tasks?

Qualification to perform a covered task will in general need to consider the individual's knowledge of the task, her/his skill in performance of the task, and his/her physical capability (e.g., vision, strength, agility) to perform the covered task. The rule addresses acceptable means for evaluating these capabilities.

2.9 Under what conditions will candidates be considered to pass their evaluation testing?

The rule addresses acceptable methods of evaluation. It does not address scoring methods or criteria for passing testing. The preamble states that the operator should establish the acceptance criteria for the evaluation method used. Thus, the establishment of a pass/fail criterion of 70% on a comprehensive balanced test may be acceptable. However, a significant number of questions should relate to required critical knowledge of the task, and therefore necessitate 100% correct to pass.

2.10 If an individual seeking qualification to perform a covered task fails the evaluation process, how many times can he/she be reevaluated?

An operator should not permit a candidate who fails the reevaluation process to perform the covered task until that person has passed the evaluation or is directly observed by a person who is qualified to perform the covered task. In addition, an operator should not treat failure to pass the evaluation process in an ad hoc manner. Each operator should include provisions in its program plan describing how it will address failure to pass the evaluation process. At a minimum, the operator should require the qualification candidate to receive remedial instruction following failure to pass the evaluation process, and specify the number of failures that are acceptable before discontinuing evaluation efforts.

2.11 What is a reasonable time between failure to pass an evaluation and reevaluation?

A reasonable period of time, such as 48 hrs, should be allowed between failure of an individual to pass an evaluation and reevaluation.

Development of AOC List

2.12 Is the operator required to maintain a complete listing of AOCs used to train individuals performing covered tasks?

The operator is responsible to ensure that individuals performing covered tasks are capable of recognizing and reacting to AOCs. Discharging this responsibility will require that both task-specific and general AOCs be identified, used in training, and incorporated in the evaluation process. Since development of a complete listing of task-specific AOCs may not be possible, the operator must demonstrate that its training and qualification process prepares the qualified individual to understand the types of conditions that may be AOCs, and provides those individuals with guidance on how to respond to these conditions.

Development and Documentation of Areas of Qualification for Persons Performing Covered Tasks

3.1 Will qualified persons be required to carry cards to document the covered tasks for which they are qualified?

Carrying ID cards to document covered tasks that a person is qualified to perform is not required. However, some means is needed to allow a supervisor or foreman to determine the covered tasks for which persons under his/her supervision are qualified. The issuance and possession of ID cards is one means by which a supervisor or foreman can make this determination. Other means could include a database accessible to the supervisor or foreman that contains qualification records of all persons qualified to perform covered tasks for the operator.

3.2 Must plumbers and independent installers performing covered tasks on customer-owned service lines, curb-to-meter be qualified?

If the piping under consideration is jurisdictional, the plumber or anyone else performing the task for the operator must be qualified based on OQ requirements.

3.3 Does the supervisor or foreman need to be qualified for all the tasks being carried out under his/her management?

The OQ Rules do not require the supervisor or foreman to be qualified to perform the tasks carried out under her/his supervision unless the person performing the task is not qualified and the supervisor is the person who is directing and observing the work of that individual. It is, however, good practice for supervisors or foremen to be qualified to perform the tasks carried out under their supervision.

Covered Task Performed by Non-Qualified Person

3.4 Can new employees work under the 'guidance' of other crewmembers who are qualified for a period of time? If so, how long?

The Rule stipulates that new employees or contractors can work while being directed and observed by another qualified crewmember. The rule does not specify how long an person may remain unqualified while performing covered tasks, however, the time period for development of new persons performing covered tasks should be specified in the operator's written program plan or in the contract between the operator and the contractor.

3.5 Should a qualification program plan specify the maximum distance, and the maximum number of unqualified individuals performing a covered task that a qualified individual can supervise?

The preamble discusses the need for having a qualified individual directly observe a non-qualified person perform a covered task, and for the qualified individual to be in position to take immediate action to correct deficiencies. While the maximum distance and number of non-qualified persons being observed may vary from task to task, the operator should provide written guidance to qualified persons observing non-qualified persons.

Documentation and Communication (to the field) of Qualifications for Contractor Persons

3.6 How should operators document the covered tasks for which a person has been qualified?

Simple means to support field verification of the qualification status of persons qualified to perform covered tasks is important. Some means is needed to allow a supervisor or foreman to determine the covered tasks for which persons under his/her supervision are qualified. The issuance and possession of ID cards is one means by which a supervisor or foreman can make this determination. Other means could include a database accessible to the supervisor or foreman that contains qualification records of all persons qualified to perform covered tasks for the operator.

Role of and Approach to 'Work Performance History Review'

4.1 What constitutes a Work Performance History Review?

The preamble states that the operator must establish the parameters for a Work Performance History Review. Such a review may include:

- A search of existing records for documentation of an individual's past satisfactory performance of a covered task(s);
- Verification that the individual's work performance history contains no indications of substandard work or involvement in an incident (Part 192) or accident (Part 195), caused by an error in performing a covered task; and

- Verification that the individual has successfully performed the task on a regular basis prior to October 26, 1999.

4.2 Under what conditions can Work Performance History Review (WPHR) be used for qualification of persons performing covered tasks?

Only individuals performing covered tasks prior to October 26, 1999, may be qualified solely on the basis of Work Performance History Review (WPHR). Initial qualification of these individuals using WPHR is allowed, but only until October 28, 2002. Initial evaluation or reevaluation of individuals subsequent to that date can include such reviews, but must in addition employ other evaluation method(s). In all cases, maintenance of records that carefully and thoroughly document work performance history is valuable in support of continuing evaluation of the performance of individual performing covered tasks.

Evaluation of Person's Capability to Recognize and React to AOCs

4.3 What abnormal operating conditions (AOCs) must a person qualifying to perform a covered task be capable of recognizing and reacting to?

To be qualified, an individual needs to be able to properly perform assigned covered tasks and be able to recognize and react to an abnormal operating condition that may be encountered while performing the covered task. Reacting to an AOC may include notifying the responsible parties or taking corrective action to mitigate the condition. As an example, an individual who has been qualified to perform leak surveys should be able to recognize and react to an abnormal operating condition such as blowing gas. Likewise, an individual who is qualified to perform control of gas pressure and flow should be able to recognize and react to an abnormal operating pressure in a pipeline segment.

Compliance with Qualification Timing Requirements

4.4 Should an operator document the date on which full compliance with provisions of the OQ Rule was achieved?

Full compliance with provisions of the operator qualification rule is required by October 27, 2002. Operators should have documentation supporting attainment of full compliance by that date.

Evaluator Credentials

4.5 What credentials must a person have to be an evaluator?

Operators must establish the criteria that an individual must meet to be an evaluator. The preamble states that evaluators should possess the required knowledge to ascertain an individual's ability to perform covered tasks and to substantiate an individual's ability to recognize and react to abnormal operating conditions that might surface while performing these activities. The preamble also indicates that the evaluation process should be objective and consistent. To assure this, individuals who conduct evaluations should have the required knowledge to conduct evaluations. If the supervisor or foreman is also the individual who reviews job performance of individuals, then he/she would need to

have adequate knowledge to judge acceptable task performance.

4.6 Must records be maintained documenting evaluator credentials?

The generation and retention of records to substantiate an evaluator's knowledge is a good practice. It demonstrates to regulators a good faith effort to comply. The generation and maintenance of records to substantiate an evaluator's knowledge is, however, at the operator's discretion.

4.7 Will the use of 3rd party evaluation become a preferred or mandatory method of evaluation?

Operator program plans should specify how evaluations are to be performed. As long as the evaluator's credentials are documented, appropriate to the evaluation, and scrupulously assured, there is no obvious advantage of using third party evaluators.

Personnel Performance Monitoring (e.g., Determination of Role in Incident)

5.1 Are operators required to continuously monitor the performance of individuals qualified to perform covered tasks?

While operators are not explicitly required to continuously monitor the performance of individuals qualified to perform covered tasks, the rule does require that certain aspects of performance be continuously monitored. The Rule requires operators to (a) 'evaluate an individual if the operator has reason to believe that the individual's performance of a covered task contributed to an incident (or accident) as defined in Part 191;' and (b) 'evaluate an individual if the operator has reason to believe that the individual is no longer qualified to perform a covered task.' These evaluations cannot be performed unless the operator develops and maintains a limited set of work performance history records. The operator's program plan should document the nature of records it plans to develop and maintain to satisfy these requirements.

5.2 How should an operator address a situation in which an individual who is qualified to perform a covered task is found to be performing that covered task incorrectly at the job site?

An individual who is found to be incorrectly performing a covered task for which he/she is qualified should be immediately taken off the job pending evaluation. The reason(s) behind the incorrect task performance should next be ascertained, and then corrective action should be designed to address this reason or reasons. For example, if the reason were determined to be that the procedure describing the conduct of a task is inappropriate, then a systematic process for reviewing the procedure, making needed corrections, and training qualified individuals in performance of the revised procedure should be undertaken. If the reason were determined to be lack of knowledge, or an exceedingly long time gap between requirements for the individual to perform the task, or a general pattern of careless performance, or deterioration in the physical capabilities of the qualified individual, then different corrective actions appropriate to the cause should be identified and taken.

Each operator should develop criteria for dealing with performance deficiencies and for terminating an individual's qualification to perform a task. These criteria should be

communicated with interested parties (e.g., employees, bargaining unit, supervisory people) to ensure that ad hoc criteria are not used for decisions that are critical to the success of the OQ program.

Reevaluation Interval and Methodology for Determining

5.3 How must an operator determine the reevaluation interval for persons performing covered tasks?

The rule requires the operator to 'have and follow a written qualification program' that includes a provision to 'identify those covered tasks and the intervals at which subsequent evaluation of the individual's qualifications is needed.' It is the responsibility of the operator to determine and document the basis for scheduling any subsequent evaluations. The time period between required reevaluations may be affected by factors such as:

- (a) task difficulty,
- (b) task importance,
- (c) frequency with which the task is performed,
- (d) task complexity, and
- (e) the safety sensitivity of the task.

The time period between required reevaluations may also be affected by the extent of measures taken by the operator to provide continuing assurance of the performance of qualified individuals. For example, an operator may wish to require qualified individuals to perform tasks for which they are qualified at least monthly to maintain qualification, or it may institute a quality assurance process in which each person performing covered tasks is observed randomly by an independent auditor in the performance of each task. Finally, determination and justification of the reevaluation interval should consider existing consensus standards and industry practice (e.g., OSHA standards, non-mandatory consensus standards). For infrequently performed tasks, such as hot tapping, an operator may choose to evaluate and qualify individuals immediately before the task is to be performed.

5.4 What date should be used as the starting point for the clock on reevaluation interval?

For any person qualified prior to the required implementation date for the operator's qualification program (October 28, 2002) the reevaluation clock should begin on 10/28/02.

Conduct of Incident Investigation and Analysis

5.5 What must an operator consider in its incident (or accident) investigation and analysis to satisfy provisions of the OQ Rule?

The OQ rule requires that an operator must 'evaluate an individual if the operator has reason to believe that the individual's performance of a covered task contributed to an incident (or accident)'. Therefore, an operator must have a process for investigating incidents (or accidents) that identifies factors contributing to the incident in sufficient detail to determine whether performance of a covered task may have contributed. In addition, the rule implies that the operator must maintain records of performance of

covered tasks in sufficient detail to allow identification of person(s) whose performance of a covered task may have contributed to an incident or accident.

Criteria for Loss of Qualification

5.6 What must an operator consider in evaluating the continuing qualification of a person to perform covered tasks?

The rule requires that an operator must 'evaluate an individual if the operator has reason to believe that the individual is no longer qualified to perform a covered task'. Therefore, the operator must, in addition to a schedule of required reevaluation intervals, have some method of monitoring the performance of individuals performing covered tasks. The method may be as simple as a periodic performance review that is documented by the individual's supervisor, signed by both the individual and his/her supervisor, and in which the individual's performance strengths and limitations are discussed. The continuing evaluation method might also include specific job performance measures, or audit reports on the individual's performance developed by an independent internal audit group.

Process Performance Monitoring

6.1 What continuing process performance monitoring and improvement is expected of operators?

The Operator Qualification Rule is largely a performance rule with a limited set of specific prescriptive requirements. Given this design of the rule, operators are expected to monitor the effectiveness of implementation of their programs, and to seek out opportunities for improving that performance. Improvements can be identified in response to recognized program weaknesses and from sources such as (a) internal innovation, (b) noteworthy practices of other operators, or (c) practices developed by industry consortia that are generally recognized as effective.

Qualification 'Trail' (i.e., covered task; person performing; evaluation method(s); continuing performance evaluation; reevaluation interval; reevaluation records)

7.1 Is it necessary for an operator to be able to document in one source the 'qualification trail' from definition of covered tasks through reevaluation of individuals who have been qualified to perform these tasks?

While there is no requirement for operators to document the 'qualification trail' in a single document, it is reasonable to expect that such documentation is available from several sources, and can be easily used to evaluate the completeness of the operator's process and its consistency with the program plan.

Nature and Completeness of Records (Rule Requirements and Program-Implied Requirements)

7.2 Are there records other than the four specified in §192.807(a) that must be maintained?

While the rule does not specify particular records to be retained, it requires operators to maintain records that demonstrate compliance with the rule and with its written program. To demonstrate compliance, operators need to identify appropriate records to be maintained. For example, operators need to retain their written program as a record.

7.3 Must records be maintained on the means used to identify which tasks are covered tasks?

The operator must maintain records that demonstrate compliance with the rule. Identification of covered tasks is a key provision of the rule. The operator must include provisions in its program plan to identify covered tasks. The operator should also describe in its program plan the nature of records describing its identification of covered tasks, and the retention requirements for these records.

7.4 Must records be maintained that show how the operator has determined the intervals at which an individual performing a covered task will need to be reevaluated?

The operator must retain records that demonstrate compliance with the regulation. Identification of reevaluation intervals for covered tasks is a key provision of the rule. The operator should also describe in its program plan the nature of records describing its basis for reevaluation intervals for each covered task, and the retention requirements for these records.

7.5 Will operators be required to maintain training records to prove operator qualifications from the date the rule was adopted (12/26/99) or from the effective date of (10/28/02)?

Adequate records supporting the qualification of each qualified individual must be maintained. If qualification was completed during the interval from 12/26/99 to 10/28/02 (as it has been in most cases) then the applicable qualification records must be available. If the operator believes that records documenting training of individuals are necessary to support qualification, then these records must also be maintained.

7.6 What documentation must the operator possess for contractor employees prior to or by October 28, 2002?

Each operator is required to assure itself that all individuals, including contractors, performing covered tasks after 10/28/02 are qualified to perform those tasks. Documentation on how this assurance has been provided must be maintained. The nature of documentation the operator should maintain is up to the operator, but it must demonstrate that individuals performing covered tasks have been qualified prior to the date following 10/28/02 when they first perform a covered task. Examples of appropriate documentation could include the actual qualification records from the contractor, or evidence of an audit performed by the operator to verify contractor compliance with qualification requirements.

Management of Changes to procedures, tools, standards, etc.

8.1 What types of changes should be communicated to persons performing covered tasks?

Numerous changes may occur that impact how a covered task is performed. Changes that may need to be communicated to individuals performing covered tasks may include:

- (a) modifications to company policies or procedures;
- (b) changes in state or Federal regulations;
- (c) utilization of new equipment and/or technology;
- (d) new information from equipment or product manufacturers. The operator should document provisions in its program plan describing what changes must be

communicated, how these changes are to be communicated, to whom they are to be communicated, and on what time frame communication is required. The program plan should also describe conditions under which changes are sufficiently substantive to require persons performing covered tasks to be retrained and reevaluated prior to performing the task subject to the change.

Mergers & Acquisitions

8.2 Should operators develop OQ program provisions in anticipation of future industry mergers and acquisitions?

While industry consolidation by mergers and acquisitions is a current fact of life, an operator need not anticipate how its programs might change if it is involved in such consolidations. However, specific provisions for addressing OQ requirements following mergers or acquisitions should be developed and documented as soon as practical after such business transactions have been negotiated.

9.1 Will Inspectors conduct field verification of operator program implementation?

Yes, OPS intends to conduct field verifications of operator program implementation. Protocols have been developed to support this verification process.

10.1 Will state or federal regulators disseminate OQ Program review criteria to operators?

OPS plans to maintain a web site on which OQ inspection protocols will be available to all states and operators, and on which frequently asked questions (FAQs) relevant to effective OQ programs can be posed and will be addressed for all interested parties.

10.2 What should be the role of the inspector in evaluating the validity of written examinations and the associated answer keys?

Written examinations should be designed to objectively evaluate the knowledge of the individual seeking qualification to perform a covered task in performance of that task. These examinations will not necessarily evaluate their skills and abilities. Testing should cover key information needed to perform a task, possibly including the reasons behind basic steps in a particular procedure. Inspectors should be expected to evaluate the effectiveness of all evaluation methods, including written examinations, in filling these functions.

10.3 Are the state or federal regulators going to be publishing any lessons learned (positive as well as negative) based on their inspections of the operators?

Consideration is being given to periodic workshops at which OQ results would be summarized and lessons discussed. In addition, consideration is being given to use of a web site to present 'noteworthy practices' for consideration by both the regulatory community and operators. As yet no decision has been made.

10.4 Is there any coordination at the federal level with the states to establish a standard objective set of OQ inspection criteria?

Presently an ad hoc working group of state and federal inspectors is collaborating to develop inspection protocols, guidance and frequently asked questions (FAQs) for use by the industry and the various inspection agencies. There will be no requirement on the states to utilize the results from this effort, but considerable efficiency and increased

consistency would result from shared use. TSI will teach this format and the state agencies will be encouraged to utilize it.

10.5 What will happen with small operators (municipalities) that do not meet the standard?

All operators are expected to meet the 'standard'. Size and resource limitations will be considered in evaluating program approach, but performance effectiveness of all programs is expected.

10.6 What efforts are being made to promote consistent expectations and related inspection of operator programs by all regulatory agencies?

OPS plans to conduct training courses for inspectors from all regions and states. In addition, consideration is being given to making information on enforcement actions available to promote consistency in rule interpretation among state and federal inspectors.