

OQ Frequently Asked Questions

These FAQs are intended to provide guidance only; they are not a substitute for regulatory requirements or other obligations placed on the operator by the Pipeline Safety Law (see FAQ #1.11). They represent OPS's best judgment as of the date issued. In addition, they specifically do not address compliance with more stringent State laws that may exist. Please consult the appropriate State agency(ies) for additional guidance.

Here you will find a listing of the most frequently asked questions (FAQs) related to Operator Qualification. You may browse the complete listing of FAQs below, or browse a specific category from the following list.

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, Northeast Gas Association, and Consortium on Operator Qualification/NCCER) is still fully responsible to understand and meet the provisions of the OQ Rule. For example, the operator must make sure that tasks performed in its unique operating environment by its employees or contractors are evaluated to determine whether they are covered or not. The operator must also determine which of its employees and contractors perform the covered tasks, and ensure that they are qualified to perform the tasks. Additionally, the operator must understand the basis on which reevaluation intervals have been specified and implement any performance monitoring activities needed to make sure qualified persons are performing covered tasks in an acceptable manner (according to the evaluation criteria established or accepted by the operator). If an operator identifies reevaluation intervals that it believes 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 facility on or after the compliance date (October 28, 2002), 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 Program?

Only pipeline operators are subject to the requirements of the DOT Rules. Individuals performing covered tasks on an operator's pipeline facility, including its own employees, contractors, sub-

contractors, original equipment manufacturer's (OEM) representatives, temporary help, etc., must be qualified or perform covered tasks under the direct supervision of a qualified individual. Operators may require contractors which supply individuals to perform covered tasks to:

1. Have their own OQ Program and provide documentation that these individuals are currently qualified to perform the assigned covered tasks.
2. Belong to a Consortium which provides the required qualification evaluations and documentation, or
3. Qualify those individuals under the Operator's own OQ Program; or
4. Have an independent third party evaluate their qualification and provide the required documentation.

Whichever alternative is chosen, the contractor must be operating under an OQ Program that the operator has verified as being compatible with its own qualification procedures, including the recognition of and reaction to AOCs identified by the operator.

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 (see 1.3 above), including:

1. Requiring the contractor to develop, maintain and implement a qualification process that is equivalent to the operator's own qualification procedures. The operator must take positive steps to ensure the contractor's program is compliant and that the program is being implemented and administered as described;
2. Requiring the contractor personnel to participate in the operator's program; or
3. Requiring the contractor to participate in an operator-approved consortium.

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

The operator shall assure maintenance of records that demonstrate compliance with the regulation. Depending on the operator's approach to qualification of contractor personnel, the operator may maintain records related to the qualification of contractor personnel, rely on the records maintained by the contractor, or rely on records administered by a third party or consortium. The Operator's OQ Plan should also sufficiently describe the processes used for qualifying contractors and accepting qualification from other programs.

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.

Contractors are required to perform covered tasks in a manner determined by the operator to be consistent with the operator's procedures. The operator is responsible for ensuring that contractor procedure or evaluation criteria and reevaluation intervals are acceptable.

1.7 Will OPS grant contractors any extension for the compliance date of October 28, 2002?

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, or are the LDCs responsible for qualifying individuals who perform covered tasks on its behalf?

Each operator is responsible for assuring that individuals performing covered tasks on their pipeline facilities are qualified. This is true whether it operates distribution (mains and services) or jurisdictional gathering or transmission lines, and is true whether the individual is an employee or a contractor. An Operator may require the contractor to qualify (or have an independent third party or consortium approved by the operator qualify) their employees and provide the required documentation before sending them to perform covered tasks on their pipeline.

Management of Other Entities Performing Covered Tasks

1.9 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 individuals performing covered tasks pursuant to mutual assistance agreements are qualified in a manner consistent with the operator's OQ Program requirements (also see FAQs 1.6 and 1.8).

Training Requirements

1.10 Can individuals be qualified without being required to undergo training?

Yes. The purpose of this rule is to ensure that those persons performing covered tasks on the pipeline have been evaluated and determined to be 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 the current provisions of this rule (but – see FAQ 1.11).

1.11 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. While training is not required, the Pipeline Safety Law (as amended December 17, 2002 by Public Law No. 107-355) does require operators to include "training, as appropriate, to ensure that individuals performing covered tasks have the necessary knowledge and skills to perform" covered tasks as an element of their OQ program. Consequently, a future amendment to the OQ regulations will incorporate language very similar to that contained in the Pipeline Safety Law. Furthermore, the law requires operators to act to fulfill this requirement no later than December 17, 2005 should OPS fail to issue a Final Rule addressing training requirements in a timely manner.

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

Training is a means to the end result, qualification. Under the OQ rule, operators are free to choose from several different types of training. Computer-based and web-based training represent just two choices available to operators. Training is not required, but must be considered, and should be utilized, where appropriate. Any computer-based or web-based training must be tailored to: (1) determine if the individual is able to perform the covered task(s); and (2) recognize and react to any AOC which may be reasonably anticipated to occur during the performance of that covered task. If computer-based or web-based training accomplishes these objectives and is accepted by the Operator and regulator(s), then it has a role in complying with the OQ Rule. Training programs will be reviewed by regulators for adequacy during inspections (also see FAQ 1.11).

Written Qualification Program

1.13 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 28, 2002. Operators should have documentation supporting attainment of full compliance by that date. Full compliance by an operator includes its commitment to the requirement that covered tasks may be performed only by qualified individuals or non-qualified individuals who are under the direction and observation of qualified individuals. An operator should be able to demonstrate through documentation that it has fulfilled this requirement.

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 ensure that all organizational units covered by a single OQ program plan are interpreting and implementing the plan consistently. To this end, sufficient specificity must be provided to eliminate ambiguity and provide substantive guidance. Operators should strive to have plans that are consistent throughout the operator's organization and that contain superior practices.

1.15 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 (e.g., provisions for either combining the programs or maintaining distinct programs, so long as compatibility issues are reviewed and resolved).

Development of Covered Task List (Process)

2.1 What O & M activities must be included in a compliant OQ program?

For the purposes of the OQ rule, an O & M activity is only subject to the requirements of the OQ rule if the activity is an operations or maintenance activity and also meets the other three requirements that make up a covered task. [The four elements that make an activity a covered task are: (1) the activity must be performed on a pipeline facility; (2) the activity must be an operations or maintenance task; (3) the activity must be performed as a requirement of the applicable part (i.e., part 192 or 195); and (4) the activity must affect the operation or integrity of the pipeline.] Guidance on the other three requirements can be found in the Federal Register notice that announced the Operator Qualification Final Rule (64 FR 46853; August 27, 1999).

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 and Part 195, Subpart H 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. Other O&M provisions of the code may be identified by comparing the code requirements against the common dictionary definitions of "operation" (starting, stopping and/or monitoring and controlling devices or systems) and "maintenance" (the act of maintaining; the work of keeping something in proper condition; upkeep).

2.2 Where are O & M activities found in the pipeline safety regulations and how are they defined?

The pipeline safety regulations contain several provisions that require operators to perform certain operations and maintenance activities. Most O & M requirements are found in Subparts L and M of 49 CFR Part 192 for natural gas pipelines and Subpart F of 49 CFR Part 195 for hazardous liquid pipelines. A few other O & M activities are covered in other parts of the regulations. Operations and maintenance activities are not formally defined in the pipeline safety regulations. However the common dictionary definitions of "operation" (starting, stopping and/or monitoring and controlling devices or systems) and

"maintenance" (the act of maintaining; the work of keeping something in proper condition; upkeep) can be referred to for further guidance. In addition, further guidance can be found elsewhere in this document and in the Federal Register notice that announced the Operator Qualification Final Rule (64 FR 46853; August 27, 1999).

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

The purpose of maintenance is to preserve the serviceability of existing pipelines. If a pipeline segment cannot fully and safely operate as designed without the completion of a certain task, then that task should be considered maintenance. Repairs to a pipeline, including replacement of one or more pipe joints, necessitated by threats such as corrosion or third party damage, should be considered maintenance.

New construction is the act of building a pipeline facility, or expanding an existing pipeline segment (as in looping a pipeline segment, which may also be done to meet increased load requirements or to enhance reliability of the system) in order to provide new service to a customer(s) or in order to meet increased demand. The tie-in of a new pipeline or segment to an existing pipeline is an O&M task; any task carried out on that new pipeline or segment thereafter is also an O&M task. Company accounting practices that differentiate between capital projects and O&M expenditures are irrelevant in the determination of whether a task is covered.

2.4 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, the activity is not a covered task because the test was not "performed on a pipeline facility" as specified in the rule. However, if an individual were to perform the same bench test on a regulator at a compressor station, which is a "pipeline facility," the task is "covered" and the individual would have to be qualified.

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

Yes; the "where" was addressed in FAQ 2.3. "When" may also impact certain tasks performed on pipeline facilities. Tasks may be covered tasks when performed in the course of operation and maintenance activities, but may not be covered tasks when performed in the course of other activities. For example, "welding" would 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 (a) new installations (because new construction is not an operations and maintenance task) or (b) replacement components where the work is performed away from the pipeline facility (because this activity would fail one part of the four-part test).

2.6 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?

In an emergency, qualified persons shall be used to perform those tasks that normally must be performed by a qualified person. Operators should identify those individuals (employees, contractors, and possibly others not under the direct control of the operator) whose normal job responsibilities place them in a position where they may need to respond to an emergency condition, and qualify these people in how to terminate anticipated emergency conditions. For example:

1. Meter readers may encounter gas leaks; they should be qualified to take appropriate action.
2. Individuals supplied through a mutual aid agreement may be called upon to perform covered tasks during a protracted emergency (e.g., restoration of service following a weather-related outage) and should be qualified to the operator's OQ program requirements.
3. Professional emergency responders, such as fire fighters, need not be qualified by the operator to perform their jobs; however, if there is any reasonable expectation that they may be called upon to perform a covered task (e.g., close a specific valve located remotely from the operator's closest field office), those persons should be included within the coverage of the operator's OQ program and qualified to perform that task.

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

No, OPS will not urge inspectors to refer to a master list of covered tasks when conducting OQ compliance inspections. 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 operator's justification or basis for excluding tasks from their covered task list. Also, when published, the consensus standard on OQ ("B31Q") is expected to provide additional guidance to operators in this area.

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

2.8 What are acceptable evaluation methods?

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

1. written examination;
2. oral examination;
3. work performance history review*;
4. observation** during on-the-job performance, during on-the-job training, or in simulations; or
5. other forms of assessment.

*** Note** that work performance history review may no longer be used as a sole evaluation method after October 28, 2002.

**** "Observation,"** when used in conjunction with on-the-job performance, must include methods of assessing the individual's knowledge of the procedure as well as the skill and ability to perform it. That is, the evaluation must include appropriate questions and responses for the observation to be considered valid. The mere act of "watching" without any interaction between the observer and the observed is considered to be inadequate.

The evaluation methods selected should be appropriate for the covered task. Operators should be prepared to discuss their rationale for selecting the evaluation method (s) associated with each task in their written plan, particularly the knowledge and skill component to evaluations.

2.9 What capabilities should be evaluated to qualify an individual to perform covered tasks?

The qualification process should include the following factors: (1) the individual's knowledge of the task (e.g., information imparted through self-study, classroom training or CBT); (2) her or his skill in performance of the task (e.g., craftsmanship in performing the steps of the task); and (3) his or her ability (proficiency, comprised of "physical capability"; e.g., vision, strength, agility, or "mental ability"; e.g., comprehension and understanding) is to perform the covered task. The rule addresses acceptable means for evaluating these capabilities.

2.10 Under what conditions will candidates be considered to pass their evaluation testing? What will be considered a passing score for evaluation tests?

The rule addresses acceptable methods of evaluation. It does not address scoring methods or criteria for passing testing. The Final Rule preamble (64 FR 46853, 46861; August 27, 1999) 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 written test may be acceptable. However, a significant number of these questions should relate to those portions of the task considered to be critical to its successful performance. A score of 100% correct on these critical questions should be required in order to demonstrate mastery of the task requirements.

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

Determining the number of times an individual can be reevaluated is up to the operator. An operator must 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. The Operator's OQ Program should describe, in sufficient detail to avoid ambiguity or misinterpretation, how it will address failure to pass the evaluation process. If appropriate, remedial training and subsequent reevaluations can be offered. If reevaluation is offered, the operator should require the individual to go through a "cooling off" period following a failure to pass, in order to ensure that the individual is not relying entirely on short-term memory to pass the reevaluation process.

Additionally, the operator should specify the number of failures that are acceptable before discontinuing evaluation efforts.

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

The time between failure and re-evaluation may be affected by several considerations. The most important of these is ensuring that the reason for failure is recognized and addressed prior to reevaluation. If fundamental knowledge, skill or ability gaps are disclosed by the failure, additional training should be provided prior to reevaluation. The operator's written program should describe how the operator identifies and corrects the cause(s) of failure before reevaluation.

2.13 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 job performance 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 inconsistent with written procedures, such as purposely ignoring SCADA system alarms because they are known to be inaccurate). Elimination of systemic errors is as important as eliminating inadvertent ones. Therefore, operators should incorporate into their qualification program provisions for ensuring that practices in the field are the same as those documented in the operator's O&M Plan, which provide the basis on which persons are qualified. Such provisions might include field audits of on-the-job performance by separate audit units within the company.

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

Operators may, but are not required to, establish criteria that an individual must meet to be an evaluator. Evaluators should, however, 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 appropriately to abnormal operating conditions that might occur while performing these activities. The evaluation process should be objective and consistent. To ensure this, evaluators should be knowledgeable about the subject tasks in order to conduct effective evaluations.

2.15 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 with the spirit of the OQ rule. The generation and maintenance of records to substantiate an evaluator's knowledge is ultimately, however, at the operator's discretion.

2.16 Will the use of third party evaluation become a mandatory method of evaluation?

The OQ rule does not currently require the use of third party evaluators, nor is such a requirement anticipated.

Development and Documentation of Areas of Qualification for Individuals 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 permissible but not required. 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 an electronic database accessible to the appropriate personnel that contains qualification records of all persons qualified to perform covered tasks for the operator. Paper ("hardcopy") records may also be appropriate.

Positive identification of the individual performing the covered task may also be required in cases where the individual and his or her qualifications are unknown to the job supervisor. The operator should require a government-issued identification in order to confirm that the correct individual has reported to the job site for the performance of the covered task.

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

Operators should have some means in place to make sure that field supervisors can verify that individuals are currently qualified for the tasks that they are performing. Some means is needed to allow a supervisor or foreman to determine the covered tasks for which persons under his/her supervision are qualified. FAQ #3.1 discusses some of these methods.

3.3 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 (i.e., the piping is subject to regulation by Part 192 or 195), the plumber or anyone else performing the task for the operator must be qualified based on the operator's OQ requirements.

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

The OQ Rule does not require the supervisor or foreman to be qualified to perform the tasks carried out under her or his supervision. However, they must be qualified if they are performing that task or if they are the individual assigned to direct and observe an unqualified person performing the task.

Covered Task Performed by Non-Qualified Person

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

There is no set time limit on how long a non-qualified employee may work under the supervision of a qualified worker. The Rule stipulates that non-qualified individuals (new employees, or employees that are no longer qualified) can perform covered tasks only if they are directed and observed by another qualified individual. The operators' written program shall include provisions that demonstrate the operator has control mechanisms or processes in place regarding the utilization of non-qualified personnel to perform covered tasks. The control mechanisms may include:

1. Identification of covered tasks (if any) that can only be performed by qualified personnel;
2. The appropriate ratio (span of control) of qualified to non-qualified personnel for each covered task;
3. Other reasonable methods of exercising appropriate control.

3.6 Should an OQ program specify the maximum distance, and the maximum number of non-qualified individuals performing a covered task that a qualified individual can supervise?

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

Role of and Approach to 'Work Performance History Review'

4.1 What constitutes a Work Performance History Review?

The OQ Final Rule preamble (64 FR 46853; August 27, 1999) states that the operator must establish the parameters for a Work Performance History Review. Such a review should include, as a minimum:

1. A search of existing records for documentation of an individual's past satisfactory performance of a covered task(s);
2. 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
3. Verification that the individual 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?

As of October 28, 2002, work performance history review (WPHR) may no longer be used as the sole evaluation method for evaluating individuals performing covered tasks. Individuals who were qualified by WPHR as the sole method prior to October 28, 2002 may continue to work under that evaluation until the next scheduled evaluation. As stated above, any individual who was qualified based on WPHR must have been performing that task in the organization on a regular basis prior to October 26, 1999. Of course, operators are free to use WPHR in conjunction with other permissible evaluation methods. Maintenance of records that carefully and thoroughly document the work performance history review process, if used, is valuable in support of that evaluation process and must be described in the written OQ Program (also see FAQ #4.1).

Treatment of Abnormal Operating Conditions (AOCs)

4.3 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 (KSA) to perform the task, but also be able to recognize and react to AOCs that the individual may reasonably be expected to encounter while performing a covered task. Operators are expected to develop a thorough listing of AOCs, both task-specific and generic. The task-specific AOCs may be included within the evaluation criteria for the specific task, but the generic AOCs should be maintained in a separate list and reviewed periodically.

Operators must demonstrate that their evaluation methods and processes include an evaluation of the individual's ability to recognize and appropriately react to AOCs. Since this regulatory requirement applies to both task-specific and generic AOCs, it is strongly recommended that all qualified individuals be provided training in the recognition of, and appropriate reaction to, generic AOCs.

The operator should utilize incident/accident investigations, employee feedback programs, or other approaches to ensure that the AOCs identified and used in evaluating individuals are current and representative of those that could reasonably be anticipated during performance of covered tasks.

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 required to continuously monitor the performance of individuals qualified to perform covered tasks, the rule does require 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) or accident (as defined in Part 195); and (b) evaluate an individual if the operator has reason to believe that the individual is no longer qualified to perform a covered task. The operator should document in its OQ Program how it intends to satisfy these requirements.

5.2 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) or accident (as defined in Part 195); and (b) evaluate an individual if the operator has reason to believe that the individual is no longer qualified to perform a covered task.

The Operator's written OQ Program should describe the process for determining if an individual is no longer qualified to perform a covered task, under what circumstances that process will be used, and what the process result will be if an individual is found to be not qualified to perform a covered task. Options available to the operator when an individual is found to be no longer qualified include:

1. the individual may be re-evaluated (subsequent to any required remedial training);
2. the individual must be observed by a qualified individual during the performance of the covered task;
3. the individual may be re-assigned to a job that does not require that qualification; or
4. the individual may be terminated.

5.3 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 the individual is qualified should be immediately taken off the job pending reevaluation. Next, the reason(s) behind the incorrect task performance should be ascertained, and then action(s) should be designed to correct the inadequacy. For example, if the reason is an incorrect procedure requirement in the O & M manual, then a systematic process for reviewing the procedure, making needed corrections, and training qualified individuals in the performance of the revised procedure should be undertaken. If the reason is a lack of knowledge on the individual's part, or an exceedingly long time interval between the individual's performance of the task, or a general pattern of careless performance, or deterioration in the individual's physical or mental capabilities, then appropriate corrective actions should be identified and taken.

Each operator should develop procedures for dealing with performance deficiencies and for suspending and/or revoking an individual's status as qualified to perform a task. These procedures 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. Also see FAQs 2.13 and 5.2.

5.4 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 have provisions to "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 or not

performance of a covered task may have contributed to that incident or accident. If the answer is in the affirmative, the process must be able to identify the individual(s) that performed that task and provide for the appropriate corrective action (reevaluation) to be taken. If WPHR is to be used as one possible reevaluation method, consideration must be given to the individual(s) contributing to an incident through the performance of a covered task in subsequent reevaluations of that individual.

5.5 How should operators monitor individuals between reevaluation intervals to ensure that the individuals continue to remain properly qualified?

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 covered task-specific required reevaluation intervals (see FAQ 5.6), 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.

Re-evaluation Interval and Methodology for Determining Same

5.6 How should an operator determine the reevaluation interval for individuals 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 subsequent evaluations. The time period between required reevaluations may be derived through the performance of a "DIF" analysis. The components (factors) to be considered are:

1. Task Difficulty (or complexity),
2. Task Importance (or safety sensitivity), and
3. Frequency that the task is performed.

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 individual 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.

5.7 What date should be used as the starting point for reevaluation intervals?

For any person qualified prior to October 28, 2002 (the deadline for qualifying individuals under the OQ rule), the reevaluation clock for each qualified individual should begin on his/her qualification date; alternatively, if an operator wishes to have consistent evaluation dates, the reevaluation clock could be set for 10/28/02 for all such individuals, for ease of tracking. For individuals qualified after 10/28/02, the date should coincide with the Evaluation/Qualification date and the re-evaluation interval established by the operator.

Program Performance and Improvement

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

Given that the OQ rule is largely a performance rule with a limited set of specific prescriptive requirements, 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 from sources such as: (a) internal innovation; (b) practices of other operators; (c) practices developed by industry consortia that are generally recognized as effective; or (d) provided in the forthcoming consensus standard, B31Q.

Qualification 'Trail' (i.e., Covered Task, Person Performing; Evaluation Method(s); Continuing Performance Evaluation; Re-evaluation Interval; Re-evaluation Records)

7.1 How should an operator treat documentation requirements?

The OQ rule requires, at a minimum, that the following records be retained:

1. identification of qualified individual(s);
2. identification of the covered tasks the individual is qualified to perform;
3. date(s) of current qualification; and
4. 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 at least five years.

All records and documents referenced in the operator's program plan and necessary to verify compliance with provisions of the rule must be available and retained for the time period specified in that program plan, consistent with rule requirements. In addition, the various processes used to manage the Operator Qualification Program (i.e., Contractor Qualification Process, Communication of Change, Identification of Covered Tasks, etc.) should also be documented and retained.

7.2 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: (a) such documentation is readily available; (b) the operator can use this documentation to explain its compliance with the elements of the OQ Rule; and (c) the operator can and will use said documentation to evaluate the completeness of its process and its consistency with the program plan. Operators are, of course, encouraged to maintain their records in one document or database.

7.3 Are there records other than the four specified in §192.807(a)/§195.507(a) that must be maintained?

While the rule does not specify particular additional records to be retained, it does require 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 and an index of changes made to it as a record.

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

The operator is required to maintain records that demonstrate compliance with the rule. The operator must include provisions in its OQ Program to identify covered tasks. The operator's OQ Program should describe its covered task identification process and show how the 4-part test was applied to each task considered.

7.5 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 policy for these records.

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

According to §192.807(b)/§195.507(b), records of prior qualification and records of individuals no longer performing covered tasks must be retained for a period of five years. 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 for a period of at least five years from the date of the first qualification. If the operator believes that records documenting training of individuals are necessary to support qualification, then these records must also be maintained.

7.7 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 on or after 10/28/02 are qualified to perform those tasks. Operators can choose from several methods of record retention, but must demonstrate that individuals performing covered tasks have been qualified. The operator may choose to maintain records; may rely on the records maintained by the contractor (in which case a prudent operator should perform periodic audits of such records, or provide by contract that such records must be turned over to the operator in the event that the contractor ceases doing business for any reason); or may rely on records maintained and administered by a third party.

Management of Changes

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 need to be communicated to individuals performing covered tasks may include:

1. Modifications to company policies or procedures;
2. Changes in state or Federal regulations;
3. Utilization of new equipment and/or technology;
4. New information from equipment or product manufacturers.

The operator should document provisions in its program plan (depending on their relative importance to the performance of covered tasks) describing what changes must be communicated, how these changes are to be communicated, to whom they are to be communicated, and within 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.

Field Inspection

9.1 Will Inspectors conduct field verification of operator program implementation?

Yes, OPS intends to conduct field verifications of operator program implementation. Protocol 9 has been developed to support this verification process.

Inspection 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 posted (and addressed) for all interested parties.

10.2 What will 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 will evaluate the effectiveness of all evaluation methods, including written examinations, in filling these functions (also see FAQ 2.10).

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, inspectors have been invited (and have accepted, to the extent that their participation does not affect their inspections schedules) to state and industry sponsored seminars to present such material.

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

A concerted effort has been made by an OQ working group composed of state and Federal inspectors and regulatory representatives to develop inspection protocols, supplementary guidance, definitions and frequently asked questions (FAQs) for use by the industry and the various inspection agencies. TSI will develop and distribute CBT-based training to provide consistency to the inspection process for State and Federal inspectors. State and Federal regulatory authorities will be using the inspection protocols consistent with all applicable laws (see disclaimer at the beginning of this paper) and are strongly encouraged to utilize the additional guidance developed by the working group.

10.5 What will happen with small operators (e.g., 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 approaches, and small operators will be offered assistance if necessary, but performance effectiveness of all programs is expected.

10.6 What efforts are being made to promote consistent inspections by all regulatory agencies?

The protocols will ensure greater consistency in inspections. OPS plans to provide training (see FAQ

10.4) for inspectors from all regions and states. In addition, consideration is being given to making information on operator headquarters OQ inspection findings and enforcement actions available to appropriate Federal and state agencies to both further the effectiveness of field inspections and promote consistency in rule interpretation among state and Federal inspectors.