

**OPERATOR QUALIFICATION**  
**PROTOCOLS**  
**FOR**  
**COMPLIANCE INSPECTION PROCESS**  
**August 6, 2003**

Small Operator Guidance Material Included

## Statement on the Role of Protocols

*The attached protocols have been written to assist federal and state pipeline inspectors who are evaluating operator's OQ programs. The protocols are not intended as enforcement instruments or to provide inspectors with additional enforcement authority, but rather are intended to provide inspectors with a template that they can use in the course of their inspections to ensure that operators comply with all elements of the OQ rule. The objective of the protocols is to ensure that the prescriptive requirements of the rule have been followed by operators. This objective will be accomplished by rigorously inspecting each operator's records to ensure that all persons performing covered tasks on pipeline facilities are properly qualified and that sufficient documentation is maintained for these individuals. Proper recordkeeping is a key component of the OQ rule. It is therefore important that inspectors be able to verify that records are maintained for all individuals performing covered tasks.*

*The OQ inspection form is organized around nine elements, including one for field verification. Each element has one or more associated protocol. Each protocol consists of 4 boxes: (1) a protocol number accompanied by the protocol subject or topic; (2) a protocol question(s) (sometimes followed by "Verify" statements); (3) guidance topics; and (4) the relevant rule language. The protocol topics have been structured into "Protocol Question(s)" to guide inspectors through the OQ inspection process. Each protocol question is followed by "Guidance Topics." The guidance topics list characteristics that the regulator would typically expect to find in an effective OQ Program, and that are consistent with the intent of the regulatory language that accompanies each protocol. Some, all, or none of these characteristics may be appropriate depending on factors unique to each operator's OQ Program and pipeline assets. Operators should be prepared to demonstrate that their programs address each of these characteristics or to describe how their program will be effective in their absence.*

*Many of the protocol questions are followed by "Verify" statements. These statements have been included because they can be directly traced to specific rule language. Therefore, compliance with each "verify" statement should be confirmed. Many "verify" statements (and protocol questions) are followed by a parenthetical statement that indicates that the statement or question is either "enforceable" or "non-enforceable". If the "verify" statement or protocol question is listed as non-enforceable, the statement or question is not enforceable under the rule, but is nonetheless an important consideration for the operator. Finally, should the inspection process reveal violations of prescriptive requirements of the rule, regulators will take appropriate enforcement actions. Should deficiencies be identified in how operators address program characteristics, inspectors will seek evidence of violations related to these deficiencies. Significant inquiries seeking further information related to program characteristics will be communicated to the operator as an integral part of the inspection process.*

## Characteristics of a Small System Operator

All stakeholders in the pipeline industry fully support the operator qualification (OQ) protocols developed by the U.S. Department of Transportation's Office of Pipeline Safety (OPS) in response to the Pipeline Safety Improvement Act of 2002. It is also recognized there is a need for effective guidance for small system operators (i.e. those with less complex gas distribution systems) about how to comply with the protocols. In response to this need, federal and state pipeline safety regulators as well as representatives of small systems committed to develop that guidance and a set of criteria to assist operators who operate less complex pipeline systems.

The one constant and underlying goal of the group developing the characteristics of a small system operator, and their protocols, was to ensure that the level of safety provided by OPS' OQ process was maintained and the effectiveness of the rule was not compromised.

The fundamental rationale for having a different set of criteria for small system operators is that many of these operators have a less complex system and management structure. Therefore, such an operator does not need many of the processes and formal management structure described in the current OQ Protocols. Both pipeline safety regulators and the regulated industry need to share a common understanding of the "general characteristics" of a small system operator to ensure appropriate protocol's application during a compliance audit.

A number of system characteristics were discussed by the government-industry team in determining—what is a "small system operator?" To provide general guidance, two characteristics are discussed below.

1. Resources. Smaller systems have fewer resources available than larger systems, however all operators must comply with the same pipeline safety regulations. Smaller systems have:
  - (i) Less complex systems than larger operators;
  - (ii) Fewer individuals;
  - (iii) Less complex management structures;
  - (iv) Few layers of management if any between the OQ Plan Administrator and its personnel performing covered tasks.

2. Number of employees performing covered tasks. While this is part of Characteristic 1 above, the government-industry task force agreed that a system with five or fewer individuals performing covered tasks is likely to be a "small operator." The government-industry task force also agreed that, depending on other relevant factors, a system with more than 10 individuals performing covered tasks could be determined to be a "small operator."

These factors are not exclusive in determining a "small operator." It is important to remember guidance material which applies to large operators also applies to small operators. In providing this supplemental guidance for small operators, the team recognized that the state program managers have the authority and must also have the flexibility in making that final determination in a fair consistent manner.

Again, the elements of OQ compliance should be the same regardless of size; none of OPS' criteria has been eliminated. The small system operator's protocol elements have been structured to reflect that smaller operators require less formal and less complex OQ compliance programs.

**Compliance Inspection  
Comprehensive Operator Qualification  
Element 1**

**Document Program Plan, Implementing Procedures and Qualification Criteria**

**Scope:**

This Element addresses the characteristics of the operator's OQ program and written plan, and considers how the operator developed its program, how contractors are considered when performing covered tasks, the treatment of abnormal operating conditions, and the function of training in the initial and continuing qualification of individuals performing covered tasks.

<b>Protocol #1.01</b>	<b>Application and Customization of “Off-the-Shelf” Programs</b>
<b>Protocol Question</b>	Does the operator’s plan identify covered tasks and does it specify task-specific reevaluation intervals for individuals performing covered tasks?[ <b>Enforceable</b> ]
<b>Guidance Topics</b>	
The rule requires that operators have a written qualification program that includes provisions to identify covered tasks and the intervals at which reevaluation of the individual’s qualifications is needed. Investigation of the following characteristics is important to determine whether the requirements of the rule have been met:	
1. The source of any off-the-shelf listing of covered tasks used by the operator;	
2. The basis for the operator accepting or modifying any off-the-shelf listing of covered tasks;	
3. Whether the operator has identified task-specific reevaluation intervals;	
4. The basis for the task-specific reevaluation intervals.	
<b>Small Operator Guidance</b>	
Has the operator established re-evaluation intervals for each task? Are these intervals consistent with those of other operators? Small operators are likely to accept re-evaluation intervals developed by associations, consortia or other vendors.	
<b>Available Material/Information</b>	
1. Covered task list	
2. Re-evaluation intervals for each covered task	
3. Manual for Operations, Maintenance and Emergency Response.	
<b>Rule Requirement</b>	§192.805/195.505 Each operator shall have and follow a written qualification program.
	The program shall include provisions to:
	(a) Identify covered tasks;
	(g) Identify those covered tasks and the intervals at which evaluation of the individual’s qualifications is needed.

<b>Protocol #1.02</b>	<b>Contractor Qualification</b>
<b>Protocol Question</b>	Does the operator employ contractor organizations to provide individuals to perform covered tasks? If so, what are the methods used to qualify these individuals and how does the operator ensure that contractor individuals are qualified in accordance with the operator's OQ program plan?
	Verify that the operator's written program includes provisions that require all contractor and subcontractor individuals be evaluated and qualified prior to performing covered tasks, unless the covered task is performed by a non-qualified individual under the direction and observation of a qualified individual. <b>[Enforceable]</b>
<b>Guidance Topics</b>	
The operator is responsible for ensuring that all individuals, whether employees or contractors, are qualified to perform covered tasks. Investigation of the following characteristics is important to determine whether the requirements of the rule have been met:	
<ol style="list-style-type: none"> <li>1. Methods have been approved by the operator to qualify contractor individuals to perform applicable covered tasks.</li> <li>2. Provisions have been established and documented to ensure contractors are required to perform covered tasks consistent with the operator's requirements.</li> <li>3. Provisions have been established and documented to ensure qualification program requirements are followed by contractors.</li> <li>4. Provisions have been established and documented to ensure contractor individuals performing the operator's covered tasks are qualified.</li> <li>5. Provisions have been established and documented to ensure the availability and maintenance of qualification records for contractor individuals performing covered tasks for the operator.</li> </ol>	
<b>Small Operator Guidance</b>	
Does the operator's written program include provisions to ensure that any contractor organizations used by the operator to perform covered tasks will have completed qualification of individuals prior to task performance?	
Does the operator accept evaluations developed by its contractors or third parties? If yes, do these evaluations address the knowledge, skills abilities and AOC's required for the task? If contractor or other third party evaluations are accepted, operator should be able to produce copies of samples of each evaluation accepted for any covered task within a reasonable # of days. The operator should be able to demonstrate that the evaluations it is accepting address the same or equivalent knowledge, skills and abilities and abnormal operating conditions as the operator's own evaluations for the covered task.	
<b>Available Material/Information</b>	
<ol style="list-style-type: none"> <li>1. Written operator qualification plan</li> <li>2. Sample evaluations from contractors and other 3<sup>rd</sup> parties accepted by the operator for any task</li> </ol>	
<b>Rule Requirement</b>	§192.803/195.503 Qualified means that an individual has been evaluated and can: (a) Perform assigned covered tasks; and (b) Recognize and react to abnormal operating conditions.
	§192.805/195.505 Each operator shall have and follow a written qualification program. The program shall include provisions to: (b) Ensure through evaluation that individuals performing covered tasks are qualified;

<b>Protocol #1.03</b>	<b>Management of Other Entities Performing Covered Tasks</b>
<b>Protocol Question</b>	Has the operator's OQ program included provisions that require individuals from any other entity performing covered task(s) on behalf of the operator (e.g., through mutual assistance agreements) be evaluated and qualified prior to task performance?
	Verify that other entities that perform covered task(s) on behalf of the operator are addressed under the operator's OQ program and that individuals from such other entities performing covered tasks on behalf of the operator are evaluated and qualified consistent with the operator's program requirements. <b>[Enforceable]</b>
<b>Guidance Topics</b> The rule requires that individuals performing covered tasks are evaluated and qualified to the requirements of the operator's program. This applies to operator employees, contractors hired by the operator, or agents such as another entity that perform the covered tasks. Investigation of the following characteristics is important to determine whether the requirements of the rule have been met:	
1. The operator either (a) identifies provisions for assessing the evaluation criteria and methods used by other entities performing covered tasks to qualify an individual and to determine if the qualification is consistent with operator requirements, or (b) requires these individuals to be reevaluated.	
<b>Small Operator Guidance</b> If the operator is party to any mutual aid agreements, has the operator determined whether individuals borrowed from the other operators are qualified if they are to perform covered tasks? The operator should be able to demonstrate that the evaluations administered by the other operators address the knowledge, skills and abilities and AOC's that the operator addresses in its own evaluations for the covered task.	
<b>Available Material/Information</b> 1. Samples of evaluations from other operators accepted by the operator for any task	
<b>Rule Requirement</b>	§192.803/195.503 Definitions <i>Qualified</i> means that an individual has been evaluated and can: (a) Perform assigned covered tasks; and (b) Recognize and react to abnormal operating conditions.

<b>Protocol #1.04</b>	<b>Training Requirements (Initial Qualification, Remedial if Initial Failure, and Reevaluation)</b>
<b>Protocol Question</b>	Does the operator's OQ program plan contain policy and criteria for the use of training in initial qualification of individuals performing covered tasks, and are criteria in existence for re-training and re-evaluation of individuals if qualifications are questioned? [Non Enforceable]
<p><b>Guidance Topics</b></p> <p>Training is not a required action under the provisions of the OQ rule. However, training is a means to ensure that an individual performing a covered task has the necessary knowledge and skills needed to perform the task in a manner that ensures the safe operation of pipeline facilities, as required by the Pipeline Safety Act. 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 individuals with considerable experience. Investigation of the following characteristics is important to determine whether the requirements of the rule have been met:</p> <p>The role represented by training in the qualification of individuals to perform covered tasks in:</p> <ul style="list-style-type: none"> <li>• Development of new hires,</li> <li>• Correction of problems encountered in evaluation or reevaluation processes,</li> <li>• Correction of individual performance problems (e.g., contributing to an incident or accident through performance of covered tasks),</li> <li>• Managing changes in practices or procedures used in performing covered tasks.</li> </ul>	
<p><b>Small Operator Guidance</b></p> <p>The operator should be prepared to identify resources it uses to provide training to new employees or existing employees if necessary? This may include lists of courses offered in-house or by 3rd parties, (e.g. training entities, training providers, outside sources) as necessary. Any lesson plans, criteria for completion, etc for OJT training should be available for review. The operator should be prepared to discuss how it identifies and addresses the need for re-evaluation of its personnel should their qualifications become suspect.</p>	
<p><b>Available Material/Information</b></p> <p>Training might include in-house, 3<sup>rd</sup> party or on-the-job training. For any of these types of training:</p> <ol style="list-style-type: none"> <li>1. List of the types of training</li> <li>2. Outlines of the classes</li> <li>3. Lesson Plans</li> <li>4. Criteria for completion</li> <li>5. Evaluation Methods</li> </ol>	
<b>Rule Requirement</b>	§ 192.803/195.503 Definitions
	Qualified means that an individual has been evaluated and can:
	(a) Perform assigned covered tasks; and
	(b) Recognize and react to abnormal operating conditions.
	§ 192.805/195.505 Qualification Program
	Each operator shall have and follow a written qualification program. The program shall include provisions to:
	(b) Ensure through evaluation that individuals performing covered tasks are qualified;

<b>Protocol #1.05</b>	<b>Written Qualification Program</b>
<b>Protocol Question</b>	<p>Did the operator meet the OQ Rule requirements for establishing a written operator qualification program and completing qualification of individuals performing covered tasks?</p> <p>Verify that the operator’s written qualification program was established by April 27, 2001. <b>[Enforceable]</b></p> <p>Verify that the written qualification program identified all covered tasks for the operator’s operations and maintenance functions being conducted as of October 28, 2002. <b>[Enforceable]</b></p> <p>Verify that the written qualification program established an evaluation method(s) to be used in the initial qualification of individuals performing covered tasks as of October 28, 2002. <b>[Enforceable]</b></p> <p>Verify that all individuals performing covered tasks as of October 28, 2002, and not otherwise directed or observed by a qualified individual were qualified in accordance with the operator’s written qualification program. <b>[Enforceable]</b></p>
<p><b>Guidance Topics</b></p> <p>The rule requires that the operator meet certain prescriptive requirements for establishing a written qualification program, identifying covered tasks, and qualifying individuals to perform the identified covered tasks. Investigation of the following characteristics is important to determine whether the requirements of the rule have been met:</p> <ol style="list-style-type: none"> <li>1. Clear responsibilities for implementing the elements of the program (e.g., evaluation &amp; qualification, training, record keeping, contracting) have been established and communicated to managers and supervisors within the organization.</li> <li>2. The OQ program requirements have been consistently implemented by the operator’s organization.</li> <li>3. Key terms have been defined and provided to all entities involved in implementing the OQ program to avoid ambiguities and misinterpretations.</li> </ol>	
<p><b>Small Operator Guidance</b></p> <p>The operator (or the person responsible for its OQ plan, the “OQ manager”) should be prepared to demonstrate knowledge and understanding of the provisions of its OQ Plan. The operator should be able to explain how each of the provisions of the OQ plan will be implemented.</p> <p>Available Material/Information</p> <p>If the operator has chosen an off the shelf program, the operator may need to consult with the provider of the program for explanations and justifications to explain the provisions of the program.</p>	
<p><b>Available Material/Information</b></p> <ol style="list-style-type: none"> <li>1. Written operator qualification plan</li> </ol>	
<b>Rule Requirement</b>	<p>§192.809/195.509 General</p> <p>(a) Operators must have a written qualification program by April 27, 2001.</p> <p>(b) Operators must complete the qualification of individuals performing covered tasks by October 28, 2002.</p>

**Compliance Inspection  
Comprehensive Operator Qualification  
Element 2**

**Identify Covered Tasks and Related Evaluation Methods**

**Scope:**

This Element addresses the operator's development of its covered task list and the evaluation methods employed to perform qualification of individuals.

<b>Protocol #2.01</b>		<b>Development of Covered Task List</b>
<b>Protocol Question</b>		How did the operator develop its covered task list?
		Verify that the operator applied the four-part test to determine whether 49 CFR Part 192 or 49 CFR Part 195 O&M activities applicable to the operator are covered <b>tasks.[Enforceable]</b>  Verify that the operator has identified and documented all applicable covered <b>tasks.[Enforceable]</b>
<b>Guidance Topics</b> The rule requires that the operator identify covered tasks, which are those tasks covered by regulations that meet the four-part test set forth in the OQ rule. Investigation of the following characteristics is important to determine whether the requirements of the rule have been met:		
	1. 2. 3. 4. 5.	The method used by the operator to develop its covered task list was thorough, documented, and considered all tasks performed to meet applicable regulatory requirements by employees and contractors. The operator understands the personnel qualification-related activities that pose significant risk to the integrity of pipeline facilities (e.g., excavation and backfilling) and has considered them in the development of its covered task list. The operator identifies how it ensures the addition, revision, or deletion of covered tasks to incorporate changes to operations or regulations. The operator definition of operations and maintenance is consistent with regulatory requirements as they are applied to pipeline facilities. The operator identifies the individuals who are qualified to perform the covered tasks.
<b>Small Operator Guidance</b> The operator should be able to show they have ensured its list of covered tasks performed on its system is complete. Has the operator ensured the covered task list that has been developed, fits the operation and maintenance of the system.		
<b>Available Material/Information</b> 1. List of covered tasks		
<b>Rule Requirement</b>		§192.801/195.501 (b) For the purpose of this subpart, a covered task is an activity, identified by the operator, that: (1) Is performed on a pipeline facility; (2) Is an operations or maintenance task; (3) Is performed as a requirement of this part; and (4) Affects the operation or integrity of the pipeline.
		§192.805/195.505 Each operator shall have and follow a written qualification program. The program shall include provisions to: (a) Identify covered tasks;

<b>Protocol #2.02</b>	<b>Evaluation Method(s) (Demonstration of Knowledge, Skill and Ability) and Relationship to Covered Tasks</b>
<b>Protocol Question</b>	Has the operator established and documented the evaluation method(s) appropriate to each covered task?.
	Verify what evaluation method(s) has been established and documented for each covered <b>task.[Enforceable]</b>  Verify that the operator' s evaluation program ensures that individuals can perform assigned covered <b>tasks.[Enforceable]</b>
<p><b>Guidance Topics</b></p> <p>The operator is responsible for ensuring that all individuals whether employees or contractors, have been evaluated using one or more of the evaluation methods identified in the OQ rule and can perform the covered tasks assigned to them. Investigation of the following characteristics is important to determine whether the requirements of the rule have been met:</p> <ol style="list-style-type: none"> <li>1. The evaluation methods used for qualification of individuals performing covered tasks are derived from the requirements of the covered tasks, and consider any unique needs (e.g., the inability to read) of the individuals being evaluated.</li> <li>2. Evaluation methods are consistently applied across the operator' s organization such that all individuals performing the same covered task are evaluated using consistent methods.</li> <li>3. Evaluation methods of operator employees and contractors include the evaluation of an individual' s knowledge, skills, and abilities to ensure that the individual can perform the assigned covered tasks.</li> </ol>	

<p><b>Small Operator Guidance</b></p> <p>Does the operator's plan list the evaluations that it will accept as evidence of qualification for each covered task?</p> <p>The operator should be prepared to produce copies of the evaluations (tests, observation checklists, etc.) used to qualify individuals for each covered task and O&amp;M procedures. The former need not be in the operator's possession, however should be able to be produced within a reasonable # of days following an audit.</p> <p>The Operator should ensure the evaluations address critical skills and abilities in addition to critical knowledge needed to perform each task. For example, certain tasks require physical abilities and physical skills critical to accomplishing the covered task in addition to knowledge of how to perform the task. In that instance, the Operator should ensure its evaluation includes a test to address the physical ability of the individual to perform the task. The actual evaluation may involve a knowledge based test, plus a practical application in the field to demonstrate physical ability and proficiency. Further, the testing for covered tasks included in the qualification program should also include questions on Abnormal Operating Conditions (AOC's) associated with the task to both recognize and react to the AOCs.</p> <p>The operator should validate that the:</p> <ul style="list-style-type: none"> <li>• evaluations address the knowledge, skills and abilities required to perform the routine aspects of the task,</li> <li>• evaluations are appropriate for the task as it is described in the operator's O&amp;M procedures for the specific types of equipment on which the task is performed,</li> </ul>	
<p><b>Available Material/Information</b></p> <ol style="list-style-type: none"> <li>1. List of evaluations accepted for qualification for each covered task</li> <li>2. Samples of each evaluation listed in #1</li> </ol>	
<b>Rule Requirement</b>	<p>§192.803/195.503 Qualified means that an individual has been evaluated and can:</p> <ol style="list-style-type: none"> <li>(a) Perform assigned covered tasks; and</li> <li>(b) Recognize and react to abnormal operating conditions.</li> </ol> <p>Evaluation means a process, established and documented by the operator, to determine an individual's ability to perform a covered task by any of the following:</p>
	(a) Written examination;
	(b) Oral examination;
	(c) Work performance history review;
	(d) Observation during:
	(1) Performance on the job,
	(2) On the job training, or
	(3) Simulations; or
	(e) Other forms of assessment.
	<p>§192.805/195.505 Each operator shall have and follow a written qualification program.</p> <p>The program shall include provisions to:</p> <ol style="list-style-type: none"> <li>(b) Ensure through evaluation that individuals performing covered tasks are qualified;</li> </ol>

**Compliance Inspection  
Comprehensive Operator Qualification  
Element 3**

**Identify Individuals Performing Covered Tasks**

**Scope:**

This Element addresses the operator's documentation of an individual's evaluation and qualification for performing a covered task and assurance at the job site that only qualified individuals are performing covered tasks. The element also addresses the operator's development of provisions for performance of a covered task by an unqualified individual under the direction and observation of a qualified individual.

<b>Protocol #3.01</b>	<b>Development and Documentation of Areas of Qualification for Individuals Performing Covered Tasks</b>
<b>Protocol Question</b>	Does the operator’s program document the evaluation and qualifications of individuals performing covered tasks, and can the qualification of individuals performing covered tasks be verified at the job site?
	Verify that the operator’s qualification program has documented the evaluation of individuals performing covered tasks. <b>[Enforceable]</b>  Verify that the operator’s qualification program has documented the qualifications of individuals performing covered tasks. <b>[Enforceable]</b>
<b>Guidance Topics</b> The rule requires that the operator ensure through evaluation that individuals performing covered tasks are qualified, and that records supporting an individual’s current qualification be maintained while the individual is performing a covered task. Investigation of the following characteristics is important to determine whether the requirements of the rule have been met: <ol style="list-style-type: none"> <li>Documentation of the qualification of individuals (including contractors) performing covered tasks is maintained and is retrievable by work supervisors to support assignment of individuals to perform covered tasks.</li> <li>Methods such as a current hard copy list, qualification card, central electronic database, or other forms of covered task qualification information are used at the job site to verify the qualifications of individuals performing covered tasks.</li> </ol>	
<b>Small Operator Guidance</b> Can the operator produce the evaluation records for all individuals, employee and contractor, who performed a covered task on its system over the past 5 years (or October 28, 2002, whichever is later)? The operator should be able to provide dates that each individual passed each of the required evaluations, the name of the person who conducted the review, and a copy of a sample evaluation for review. Records may be kept by the operator, a contractor or a third party.  Is information on individuals and the tasks for which they are qualified available to supervisors? Lists should be available. Lists may be hardcopy, on-line, computer or any other media that provides current qualification information to supervisors. Lists need not be maintained at the job site as long as the documentation proves that the individuals performing the task are qualified or being directed and observed by a qualified person.	
<b>Available Material/Information</b> <ol style="list-style-type: none"> <li>For each individual who performs covered tasks, written or electronic records of the date each individual completed each evaluation required for a task and the name of the person who administered the evaluation.</li> <li>Samples of each evaluation listed in #1.</li> </ol>	
<b>Rule Requirement</b>	§192.805/195.505 Qualification Program Each operator shall have and follow a written qualification program. The program shall include provisions to: (b) Ensure through evaluation that individuals performing covered tasks are qualified;

§192.807/195.507 Recordkeeping

Each operator shall maintain records that demonstrate compliance with this subpart.

(a) Qualification records shall include:

- (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).

(b) Records supporting an individual's current qualification shall be maintained while the individual is performing the covered task.

<b>Protocol #3.02</b>	<b>Covered Task Performed by Non-Qualified Individual</b>
<b>Protocol Question</b>	Has the operator established provisions to allow non-qualified individuals to perform covered tasks while being directed and observed by a qualified individual, and are there restrictions and limitations placed on such activities?
	Verify that the operator's program includes provisions for the performance of a covered task by a non-qualified individual under the direction and observation by a qualified individual. <b>[Enforceable]</b>
<b>Guidance Topics</b>	
The rule allows the performance of a covered task by a non-qualified individual if that individual is directed and observed by an individual qualified to perform the covered task. Investigation of the following characteristics is important to determine whether the requirements of the rule have been met:	
<ol style="list-style-type: none"> <li>1. Consideration has been given to tasks that cannot or should not be performed by non-qualified individuals under the direction and observation of a qualified individual, due to their complexity or due to the critical nature of the task.</li> <li>2. For tasks where appropriate, guidance on the span of control by qualified individuals of non-qualified individuals has been established on a task-specific basis.</li> </ol>	
<b>Small Operator Guidance</b>	
Operators should ensure that non-qualified personnel are watched by a person qualified in the covered task being performed, who would be capable of interrupting the activity to take immediate corrective action should an unsafe action occur. The guidance above for larger operators also applies to small operators, The operator should be prepared to discuss this issue.	
<b>Available Material/Information</b>	
<ol style="list-style-type: none"> <li>1. Written operator qualification plan.</li> <li>2. If available, any written guidance to supervisors on how to direct and observe non-qualified individuals.</li> </ol>	
<b>Rule Requirement</b>	§805/505 Qualification Program Each operator shall have and follow a written qualification program. The program shall include provision to: (c) Allow individuals that are not qualified pursuant to this subpart to perform a covered task if directed and observed by an individual that is qualified;

**Compliance Inspection  
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Element 4**

**Evaluate and Qualify Individuals Performing Covered Tasks**

**Scope:**

This Element addresses the operator's use of work performance history review as the sole method for initial evaluation of an individual's qualification to perform covered tasks, and the identification of additional methods of evaluation to be used in addition to, or in place of, work performance history review subsequent to October 28, 2002. The element also addresses the operator's development of AOCs for covered tasks and the methods employed to communicate AOCs for the purpose of qualification.

<b>Protocol #4.01</b>	<b>Role of and Approach to “Work Performance History Review”</b>
<b>Protocol Question</b>	Does the operator use work performance history review as the sole method of qualification for individuals performing covered tasks prior to October 26, 1999, and does the operator’s program specify that work performance history review will not be used as the sole method of evaluation for qualification after October 28, 2002?
	<p>Verify that after October 28, 2002, work performance history is not used as a sole evaluation <b>method.[Enforceable]</b></p> <p>Verify that individuals beginning work on covered tasks after October 26, 1999 have not been qualified using work performance history review as the sole method of evaluation. <b>[Enforceable]</b></p>
<p><b>Guidance Topics</b></p> <p>The rule requires that the operator ensure through evaluation that individuals performing covered tasks are qualified, and that one or more of the methods identified in the rule are used for evaluation. Work performance history review is an allowed evaluation method for initial qualification of individuals performing covered tasks prior to October 26, 1999, but may not be used as a sole method of evaluation for subsequent evaluations, or for initial evaluations for qualification after October 28, 2002. Investigation of the following characteristics is important to determine whether the requirements of the rule have been met:</p> <ol style="list-style-type: none"> <li>1. The operator has established criteria for the use of work performance history review as an evaluation method.</li> <li>2. The operator did not use work performance history review as an initial evaluation method, or used it sparingly and with documented justification.</li> <li>3. The operator’s written program plan and/or evaluation documentation identifies that after October 28, 2002, work performance history review will not be used as the sole method of evaluation for qualification, and that work performance history will not be used as a sole evaluation method for subsequent qualification.</li> </ol>	
<p><b>Small Operator Guidance</b></p> <p>If the operator uses work performance history review as the sole method of qualifying individuals, were these evaluations performed prior to October 28, 2002?</p> <p>Does the WPHR documentation verify that the individual performed the task prior to October 26, 1999?</p> <p>Has a review of WPHR documentation verified that there is no reason to question an individual’s qualification for the task (e.g. records were searched, supervisors were interviewed and no evidence of lack of competence was found?)</p> <p>WPHR documentation should include:</p> <ol style="list-style-type: none"> <li>1. The date and name of the person who conducted the review.</li> <li>2. Records dated prior to 10/26/99 showing a person performed a covered task.</li> <li>3. Statements by supervisors, if supported by documentation, are acceptable if they address whether individuals had accidents attributable to them.</li> <li>4. Reviews that show the individual has followed the company’s operating procedures.</li> <li>5. The individual has the ability to recognize and react to AOC’s.</li> </ol> <p>Additional Information could include:</p> <ol style="list-style-type: none"> <li>1. Written performance appraisals showing no reason to suspect the person is not qualified.</li> <li>2. That training and follow-up reviews have taken place</li> </ol>	

<b>Available Material/Information</b>	
1. Records of work performance history review, including the date the review was conducted, the name of the person conducting the review, the covered task for which the individual is being qualified.	
<b>Rule Requirement</b>	§192.803/195.503 Definitions Evaluation means a process, established and documented by the operator, to determine an individual' s ability to perform a covered task by any of the following:
	(a) Written examination;
	(b) Oral examination;
	(c) Work performance history review;
	(d) Observation during:
	(1) Performance on the job,
	(2) On the job training, or
	(3) Simulations; or
	(e) Other forms of assessment.
	§192.805/195.505 Qualification Program
	Each operator shall have and follow a written qualification program. The program shall include provisions to:
	(b) Ensure through evaluation that individuals performing covered tasks are qualified;
	§192.809/195.509 General
	(c) Work performance history review may be used as a sole evaluation method for individuals who were performing a covered task prior to October 26, 1999.
	(d) After October 28, 2002, work performance history may not be used as a sole evaluation method.

<b>Protocol #4.02</b>	<b>Evaluation of Individual’s Capability to Recognize and React to AOCs</b>
<b>Protocol Question</b>	<p>Are all qualified individuals able to recognize and react to AOCs?          Has the operator evaluated and qualified individuals for their capability to recognize and react to AOCs?          Are the AOCs identified those that the individual may reasonably anticipate and appropriately react to during the performance of the covered task?          Has the operator established provisions for communicating AOCs for the purpose of qualifying individuals?</p>
	<p>Verify that individuals performing covered tasks have been qualified in recognizing and reacting to AOCs they may encounter in performing such tasks. <b>[Enforceable]</b></p>
<p><b>Guidance Topics</b>          The ability to recognize and react to AOCs is required for qualification of individuals to perform covered tasks, whether the individuals are employed by the operator or are contractor individuals. The operator must demonstrate that the ability to recognize and react to AOCs is a part of each individual’ s evaluation for qualification. Investigation of the following characteristics is important to determine whether the requirements of the rule have been met:</p>	
<ol style="list-style-type: none"> <li>1. AOCs used for evaluation of individuals performing covered tasks consist of those AOCs that the operator can reasonably anticipate the individual will encounter while performing the covered task.</li> <li>2. In addition to task-specific AOCs (i.e., those that may be caused by performance of the task), generic AOCs (i.e., those that may reasonably be encountered during performance of the task) have been identified and used in qualification in cases where special requirements and conditions for the task being performed must be considered.</li> <li>3. Evaluation methods for both employees and contractor individuals include evaluation of the appropriate reaction of an individual upon recognition of an AOC.</li> <li>4. The operator utilizes incident/accident investigations, employee feedback programs, or other approaches to ensure that the AOCs identified and used in evaluating individuals are representative of those that could reasonably be anticipated during performance of covered tasks.</li> </ol>	

**Small Operator Guidance**

The operator should have evaluated its systems and operations to determine credible AOCs and identified how it expects its personnel to react to these.

Evaluations used by the operator should address how to recognize and react to abnormal operating conditions.

AOC evaluations may be broken out into a separate section of the evaluation or may be incorporated within those portions of the evaluations that address routine knowledge, skills and abilities.

The operator should be able to demonstrate that all abnormal operating conditions that can reasonably be anticipated to be encountered related to the task being performed are addressed in the evaluations, particularly if off-the-shelf evaluations are being used.

**Available Material/Information**

1. Samples of the evaluations used to qualify individuals for covered tasks.
2. Only if the operator has identified AOCs, a copy of the AOC list.

**Rule Requirement**

§192.803/195.503 Definitions  
 abnormal operating condition means a condition identified by the operator that may indicate a malfunction of a component or deviation from normal operations that may:

- (a) Indicate a condition exceeding design limits; or
- (b) Result in a hazard(s) to individuals, property, or the environment

Qualified means that an individual has been evaluated and can:

- (a) Perform covered tasks; and
- (b) Recognize and react to abnormal operating conditions.

**Compliance Inspection  
Comprehensive Operator Qualification  
Element 5**

**Continued/Periodic Evaluation of Individuals Performing Covered Tasks**

**Scope:**

This Element addresses the operator's review of individuals performing covered tasks when the individuals were involved in an incident or accident, or when an individual is determined to be no longer qualified or the qualification of an individual is questionable. The element also addresses the reevaluation interval for individuals performing covered tasks.

<b>Protocol #5.01</b>	<b>Personnel Performance Monitoring</b>
<b>Protocol Question</b>	Does the operator's program include provisions to evaluate an individual if the operator has reason to believe the individual is no longer qualified to perform a covered task based on: <ul style="list-style-type: none"> <li>• Covered task performance by an individual contributed to an incident or accident.</li> <li>▪ Other factors affecting the performance of covered tasks.</li> </ul>
	Verify that the operator's program ensures evaluation of individuals whose performance of a covered task may have contributed to an incident or accident. <b>[Enforceable]</b>  Verify that the operator has established provisions for determining whether an individual is no longer qualified to perform a covered task, and requires reevaluation <b>[Enforceable]</b>
<b>Guidance Topics</b>	
The rule requires that the operator 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 an accident as defined in Part 195, or evaluate an individual if the operator has reason to believe that the individual is no longer qualified to perform a covered task. Investigation of the following characteristics is important to determine whether the requirements of the rule have been met:	
<ol style="list-style-type: none"> <li>1. Methods and documentation exist to determine if individuals are performing covered tasks properly. These methods may include, but not be limited to: internal audits, third-party audits or inspections, assessments of procedure compliance, supervisor reviews, or assessment by a technical specialist.</li> <li>2. The operator has addressed the rule requirements in the written program plan and has established implementation requirements that include criteria and documentation requirements.</li> </ol>	

**Small Operator Guidance**

The operator's plan should include provisions to:

Re-evaluate an individual involved in an accident,

Re-evaluate an individual if the operator has reason to believe that the individual is no longer qualified.

Reasons an individual may no longer be qualified may include:

- injury or physical limitation,
- procedures seldom or rarely used by the individual,
- observation of an error or incorrect procedure,
- an incident near-miss,
- evidence of an error or incorrect procedure,
- any other evidence the individual may need to be re-evaluated and requalified.

If not spelled out in the written plan, the operator should be prepared to show how it implements these provisions. If the operator has had to conduct any such re-evaluations, the operator should have records and the reason the re-evaluation was believed necessary.

**Available Material/Information**

1. Written operator qualification plan
2. If available, any other documentation the operator has developed to implement these provisions.

**Rule Requirement**

§192.805/195.505 Qualification Program  
Each operator shall have and follow a written qualification program. The program shall include provisions to:  
(d) 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/accident as defined in Part 195;  
(e) Evaluate an individual if the operator has reason to believe that the individual is no longer qualified to perform a covered task;

<b>Protocol #5.02</b>	<b>Reevaluation Interval and Methodology for Determining the Interval</b>
<b>Protocol Question</b>	Has the operator established and justified requirements for reevaluation of individuals performing covered tasks?
	Verify that the operator has established intervals for reevaluating individuals performing covered tasks. <b>[Enforceable]</b>
<b>Guidance Topics</b> The rule requires that an operator identify covered tasks and the intervals at which evaluation of the individual's qualification is needed. Investigation of the following characteristics is important to determine whether the requirements of the rule have been met: <ol style="list-style-type: none"> <li>1. Basis for the reevaluation intervals considering regulatory practice and/or performance history for similar tasks,</li> <li>2. Consideration of the need for task-specific reevaluation intervals,</li> <li>3. Justification of reevaluation intervals considering at a minimum, the risk inherent in the task and the time between successive performances of the task by a qualified individual.</li> </ol>	
<b>Small Operator Guidance</b> Has the operator established re-evaluation intervals for each task? Are these intervals consistent with those of other operators? Particularly if the small operator has accepted re-evaluation intervals developed by associations, consortia and other vendors, the operator should be able to justify the re-evaluation intervals it is using for its personnel are reasonable to retain needed skills for the function.	
<b>Available Material/Information</b> <ol style="list-style-type: none"> <li>1. A list of re-evaluation intervals for each task.</li> </ol>	
<b>Rule Requirement</b>	§192.805/195.505 Qualification Program Each operator shall have and follow a written qualification program. The program shall include provision to: (g) Identify those covered tasks and the intervals at which evaluation of the individual's qualifications is needed.

**Compliance Inspection  
Comprehensive Operator Qualification  
Element 6**

**Monitor Program Performance; Seek Improvement Opportunities**

**Scope:**

This Element addresses the operator's plans for continued improvement of the OQ program and investigates mechanisms established for periodic review and revision of the program when warranted.

<b>Protocol #6.01</b>	<b>Program Performance and Improvement</b>
<b>Protocol Question</b>	Does the operator have provisions to evaluate performance of its OQ program and implement improvements to enhance the effectiveness of its program? [ <b>Non Enforceable</b> ]
<b>Guidance Topics</b> Although there are no specific requirements in the rule for the operator to review the OQ program periodically and seek to implement improvements over time, it is reasonable that improvements will be identified that should be incorporated into the program as the program matures and the operator gains valuable feedback through a continuing review of performance trends. This item investigates whether the operator has anticipated the evolutionary nature of its program and has established provisions to identify and assess improvement opportunities and implement those that will result in greater program effectiveness and an increased level of safety. Investigation of the following characteristics is important to determine whether the requirements of the rule have been met:	
<ol style="list-style-type: none"> <li>1. The operator has documented in its OQ plan a periodic requirement for program review.</li> <li>2. The operator is actively involved in industry groups that seek to improve OQ programs and establish practices that will be identified and documented in consensus standards.</li> <li>3. A review process has been established by the operator to assemble feedback on program effectiveness and needed improvements, and to periodically assess the feedback to identify improvements that should be made to the OQ program.</li> </ol>	
<b>Small Operator Guidance</b> The person responsible for the OQ program should periodically review the adequacy of the written OQ plan provisions. The operator should be prepared to change and update the plan as deemed necessary. The person responsible for managing the OQ program should communicate changes that affect covered tasks to the individuals who perform the tasks. At a minimum it is recommended to review the OQ Plan along with the annual review of the operator's Operations and Maintenance manual.	
<b>Available Material/Information</b> 1. None	
<b>Rule Requirement</b>	§192.805/195.505 Qualification Program Each operator shall have and follow a written qualification program.

**Compliance Inspection  
Comprehensive Operator Qualification  
Element 7**

**Maintain Program Records**

**Scope:**

This Element addresses how the operator implements the rule requirements for retention of records and supporting documentation that establishes the qualification of individuals performing covered tasks and the covered tasks that individuals are qualified to perform.

<b>Protocol #7.01</b>	<b>Qualification “Trail”(i.e., covered task, individual performing, evaluation method(s), continuing performance evaluation, reevaluation interval, reevaluation records).</b>
<b>Protocol Question</b>	<p>Does the operator maintain records in accordance with the requirements of 49 CFR 192, subpart N, and 49 CFR 195, subpart G, for all individuals performing covered tasks, including contractor individuals?</p> <p>Verify that qualification records for all individuals performing covered tasks include the information identified in the regulations.[Enforceable]</p> <p>Verify that the operator’ s program ensures the retention of records of prior qualification and records of individuals no longer performing covered tasks for at least five years.[Enforceable]</p> <p>Verify that the operator’ s program ensures the availability of qualification records of individuals (employees and contractors) currently performing covered tasks, or who have previously performed covered tasks.[Enforceable]</p>
<p><b>Guidance Topics</b></p> <p>The rule requires certain information to be included in records of qualification for individuals performing covered tasks, and that these records be retained for at least five years. Although not identified specifically, records that are specified in the OQ plan and documentation that is required to demonstrate compliance with rule provisions should logically have retention requirements as part of the OQ program implementation. Investigation of the following characteristics is important to determine whether the requirements of the rule have been met:</p> <ol style="list-style-type: none"> <li>1. Supporting documentation for implementation of the OQ program, including documentation of: <ol style="list-style-type: none"> <li>a. The methodology for identifying covered tasks;</li> <li>b. The reevaluation interval for each covered task and the basis for the reevaluation interval chosen; and</li> <li>c. The approach used to select individuals for evaluation and qualification.</li> </ol> </li> <li>2. The operator has considered the need for periodic back-up of qualification database information, whether in-house databases or industry databases, to ensure continued availability of information required to meet rule provisions.</li> <li>3. The operator has established provisions to ensure the continued presence and availability of contractor records for individuals currently performing, or who have previously performed, covered tasks for the operator.</li> </ol>	
<p><b>Small Operator Guidance</b></p> <p>The operator should be able to produce evaluation records <u>demonstrating that each individual, employee and contractor, who performed a covered task on its system over the past 5 years (or October 28, 2002, whichever is later) was qualified at the time they performed the covered task. The 5-year record retention period for an evaluation begins the moment the individual ceases to perform the covered task for the operator (e.g. is transferred, retires, resigns, is fired or dies) or the individual is re-evaluated so that the older evaluation is no longer relied on for current qualification. For example, an evaluation passed in 2003 that is re-evaluated in 2006 must be retained until 2011.</u> The operator should be able to provide dates that each individual passed each of the required evaluations and a copy of a sample evaluation for review.</p>	

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**Available Material/Information**

1. For each individual who performs covered tasks, written or electronic records of the date each individual completed each evaluation required for a task and the name of the person who administered the evaluation.
2. Samples of each evaluation listed in #1.

**Rule Requirement**

§192.807/195.507 Recordkeeping  
Each operator shall maintain records that demonstrate compliance with this subpart.  
(a) Qualification records shall include:  
    (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).  
(b) 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.

**Compliance Inspection  
Comprehensive Operator Qualification  
Element 8**

**Manage Change**

**Scope:**

This Element addresses how the operator manages changes to procedures, tools, standards and other changes to the OQ program and how these changes are incorporated into the qualification and evaluation methods for individuals performing covered tasks, and the methods employed to communicate changes to individuals performing covered tasks, whether operator employees or contractors.

<b>Protocol #8.01</b>	<b>Management of Changes (to Procedures, Tools, Standards, etc.</b>
<b>Protocol Question</b>	<p>Does the operator's OQ program identify how changes to procedures, tools standards and other elements used by individuals in performing covered tasks are communicated to the individuals, including contractor individuals, and how these changes are implemented in the evaluation method(s)?</p> <hr/> <p>Verify that the operator's program identifies changes that affect covered tasks and how those changes are communicated, when appropriate, to affected individuals.[Enforceable]</p> <p>Verify that the operator's program identifies and incorporates changes that affect covered tasks.[<b>Enforceable</b>]</p> <p>Verify that the operator's program includes provisions for the communication of changes (e.g., who, what, when, where, why) in the qualification program to the affected individuals.[Enforceable]</p> <p>Verify that the operator incorporates changes into initial and subsequent evaluations.[Enforceable]</p> <p>Verify that contractors supplying individuals to perform covered tasks for the operator are notified of changes that affect task performance and thereby the qualification of these individuals.[Enforceable]</p>
<p><b>Guidance Topics</b></p> <p>The rule requires that the operator communicate changes that affect covered tasks to individuals performing those covered tasks. In order to perform this effectively, the operator must have a change management methodology so that it knows when changes are occurring, what changes have an impact on covered task performance, the relative significance of the change and how it affects the continued qualification of individuals, and mechanisms to effectively communicate changes to qualified individuals. Investigation of the following characteristics is important to determine whether the requirements of the rule have been met:</p> <ol style="list-style-type: none"> <li>1. Identification of the methods used to communicate changes to affected individuals.</li> <li>2. Means of ensuring that affected personnel are kept up-to-date on current requirements of the OQ program.</li> <li>3. Changes to the OQ plan and revisions to the plan are made and communicated to the appropriate individuals.</li> </ol>	
<p><b>Small Operator Guidance</b></p> <p>Operators must consider how changes to their O&amp;M procedures, systems and equipment may affect their Operator Qualification Plan.</p> <p>The operator should periodically identify changes which need to be communicated to its workers and addressed in its OQ plan.</p> <p>The operator should ensure the person responsible for managing the OQ program is:</p> <ul style="list-style-type: none"> <li>• aware of the need and the importance of ensuring qualified personnel are prepared for changed conditions,</li> <li>• changes affecting covered tasks are communicated to the individuals who perform the task,</li> <li>• fully aware of the written OQ plan provisions to address and manage changes to its systems.</li> </ul> <p>If changes have occurred that trigger this provision, have the evaluations for affected tasks been adjusted to address the change?</p>	

<b>Available Material/Information</b>	
<ol style="list-style-type: none"> <li>1. Written OQ Plan, task list and evaluation requirements</li> <li>2. If changes have occurred since the past inspection that triggered changes to any of the above, documentation of what changes were made and why should be reviewed, if available.</li> </ol>	
<b>Rule Requirement</b>	<p>§192.805/195.505 Qualification Program</p> <p>Each operator shall have and follow a written qualification program. The program shall include provisions to:</p> <p>(f) Communicate changes that affect covered tasks to individuals performing those covered tasks;</p>