

New Draft Regulatory Guide

The U.S. Nuclear Regulatory Commission (NRC) is proposing to revise Regulatory Guide 7.7 “Administrative Guide for Verifying Compliance with Packaging Requirements for Shipment and Receipt of Radioactive Material” dated August 1977. This guide describes an approach that the NRC staff considers acceptable for meeting the administrative requirements associated with shipment and receipt of radioactive material in 10 CFR Part 71, “Packaging and Transportation of Radioactive Material” and 10 CFR Part 20, “Standards for Protection Against Radiation.” They are encouraging public participation in its development. The NRC will consider all public comments received in development of the final guidance document. In some cases, applicants or licensees may propose an alternative or use a previously established acceptable alternative method for complying with specified portions of the NRC’s regulations. Otherwise, the methods described in this guide will be used in evaluating compliance with the applicable regulations for license applications, license amendment applications, and amendment requests.

We have attached a copy of the draft for your convenience. Also, if you are an NEI member and would like to submit your comments through NEI please contact Ellen Anderson, Senior Project Manager, Radiation Safety & Environmental Protection, Nuclear Energy Institute, Suite 400, 1776 I Street, NW, Washington, DC 20006-3708, phone: 202.739.8043, exa@nei.org.



DOT Safety Advisory Notice

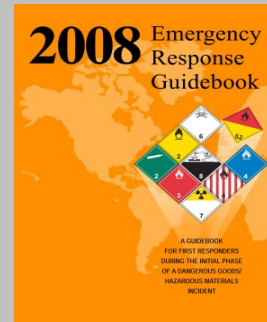
PHMSA issued a safety advisory notice on August 3, 2010 in the Federal Register to remind offerors and carriers of hazardous materials of the risks associated with the use of personal electronic devices (PED: cell phones, MP3 players, etc.) by individuals operating motor vehicles that contain hazardous materials. All commercial motor vehicle (CMV) drivers transporting hazardous materials should be aware that the use of a PED while driving constitutes a safety risk to themselves, other motorists, and bystanders. The consequences of using PEDs while driving can include state and local sanctions, FMCSA fines, and possible revocation of commercial driver’s licenses. PHMSA is now recommending that all hazardous materials companies should institute policies and provide awareness training to discourage the use of PEDs by drivers. In one of the DOT distracted driver studies, the Virginia Tech Transportation Institute found during that text messaging on a cellular telephone increased the risk of a safety-critical event by 23.2 percent. For more information, please see the DOT Distracted Driving Web site, <http://www.distractions.gov> and the Insurance Institute for Highway Safety Web site, <http://www.iihs.org>.



New Rulings in the Federal Register

The NRC has recently published a proposed rule that would place the RAMQC security requirements for use of category 1 (>100xTable1) and category 2 (\geq Table 1) quantities of radioactive material into a new Part 37 of Title 10 of the Code of Federal Regulations (CFR). The proposed rule was published on June 15, 2010 (75 FR 33902), and the public comment period runs through October 13, 2010. Documents related to the proposed rule can be found at <http://www.regulations.gov> and by searching on Docket ID NRC-2008-0120. In conjunction with the proposed rule, the NRC has announced on July 14, 2010 (75 FR 40756) they have developed implementation guidance. The implementation document provides guidance to a licensee or applicant for implementation of proposed 10 CFR Part 37, "Physical Protection of Byproduct Material." This guidance document is intended for use by applicants, licensees, Agreement States, and NRC staff. The document describes methods acceptable to the NRC staff for implementing proposed 10 CFR Part 37.

The NRC also published an updated list of Governors' Designees Receiving Advance Notification of Transportation of Nuclear Waste on July 1, 2010 (75 FR 38151). Just as a reminder, these are the contacts required to be notified in each state that the shipment starts, passes through and ends as required in 10 CFR 71.97 for a highway route controlled quantity (HRCQ) of waste destined for disposal in Type B package.



On July 23rd, DOT published a notice advising interested persons that the Pipeline and Hazardous Materials Safety Administration (PHMSA) is soliciting comments on the development of the 2012 Emergency Response Guidebook (ERG 2012), particularly from those who have experience using the 2008 Emergency Response Guidebook (ERG). The ERG is for use by emergency services personnel to provide guidance for initial response to hazardous materials incidents. The ERG 2012 will supersede the ERG2008. The development of the ERG2012 is a joint effort involving the transportation agencies of the United States, Canada, and Mexico. Comments must be received by September 21, 2010.



New Rulings in the Federal Register

Pipeline and Hazardous Materials Safety Administration (PHMSA) also published a notice of proposed rulemaking (NPRM) on August 24th. PHMSA is proposing to amend the Hazardous Materials Regulations (HMR) to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. These revisions are necessary to harmonize the HMR with recent changes made to the International Maritime Dangerous Goods Code (IMDG Code), the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO TI & IATA DGR), and the United Nations Recommendations on the Transport of Dangerous Goods—Model Regulations.

In this NPRM, PHMSA is proposing to amend: The Hazardous Materials Table (HMT); Limited Quantity Exceptions; Organic Peroxide Tables; Incorporate by reference OECD Guidelines 430, 431 and 435 that prescribe in vitro testing methods for determining corrosivity; Classification of Sour Crude Oil; Classification of Certain Division 1.4S Explosives; IBC Rebottling; and Metal Hydride Storage Systems in Conveyances.

Notwithstanding two minor amendments concerning shipping papers (indicating a limiting quantity on a shipping paper when a shipping paper is required with "limited quantity" or "LTD QTY" following its basic description) and labeling (primary and subsidiary labeling for class 3, 8 and division 5.1, 6.1 in column 6 of the HMT), PHMSA is not proposing to adopt provisions pertaining to the transportation of Class 7 (radioactive) materials. Comments must be received by October 25, 2010.

PHMSA published a final rule on September 1st to correct editorial errors, make minor regulatory changes and, in response to requests for clarification, improve the clarity of certain provisions in the Hazardous Materials Regulations (HMR). The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the regulations. The amendments contained in this rule are non-substantive changes and do not impose new requirements. In Section 107.117, the Federal Motor Carrier Administration daytime telephone number for emergency processing an application for a special permit in paragraph (d)(3) is being changed to (202) 385-2400. The word "information" is being added in subparagraph 172.604(b)(1) so that it reads "emergency response information provider (ERI provider). In paragraphs 172.604(b)(1) and (b)(2), PHMSA is clarifying the term "contract number" by adding the wording "or other unique identifier assigned by the ERI provider" to clarify that the term "contract number" identifies the registrant to the ERI provider. This clarification should serve to avoid confusion when an ERI provider may be using the term "contract number" for another purpose. Also in 172.604(b)(2), PHMSA is clarifying that the person who is registered with the emergency response provider must be identified by name or contract number on the shipping paper immediately before, after, above, or below the emergency response telephone number in a prominent, readily identifiable, and clearly visible manner that allows the information to be easily and quickly found unless the name or identifier is entered elsewhere in a prominent manner in accordance with paragraph (b)(1). Section 177.843 prescribes requirements for surveying for contamination on motor vehicles used to transport Class 7 radioactive materials under exclusive use conditions. They are revising paragraph (a) to correct the reference to "173.427(b)(3) or (c) or 173.443(c)" to read "173.427(b)(4) or (c) or 173.443(c)" to correct a typographical error. The effective date for this final rule is October 1, 2010.

Recent Industry Issues

Are these placards on a contrasting background? I know you want to placard everything now in light of the recent letters of interpretation, but be careful where they are placed. If the package color is not contrasting, then a solid or dotted line outer border must be added to show contrast to meet 49 CFR 172.516(c)(7).



I do not know if I want to start this discussion, but which one of these is correct "medium" Helvetia font? Both are from reputable manufacturers. Will one get you in trouble? Has anyone looked into the definition of medium font verses bold font? Or is this a moot point and we need to move on to more important safety issues?



Have you ever measured the dimensions of the radiation symbol to ensure compliance with 49 CFR 172 Appendix B? Is there a difference in the trefoil symbol between the top labels and the bottom row of labels? You are probably thinking that I must be bored or very nit-picky to find these little things. The top 3 labels are correct.



Frequently Asked Questions**The use of Industrial Packagings (49 CFR 173.411) is our topic this quarter.**

* If I only add the 2 missing Type A package performance tests (water spray and penetration) to a Type IP-2 packaging, can I call it a Type A package?

Reference # 05-0228

No. However, you can only if the package also meets the addition design criteria in 49 CFR 173.412 and the kind of contents to be shipped is the same as in the original testing.

* For a foreign certified industrial packaging, do I have to maintain an actual copy of the foreign packaging certification documentation?

Reference # 05-0228, 06-0063, and 08-0055

Yes. Even though the packaging is certified to an ISO standard, complete documentation that it meets those standards is required by 49 CFR 173.411(c).

* Are markings and labels required for Type IP-2 or IP-3 packagings or any inner containers?

Reference # 06-0063

Yes, outer package markings and labels are required per part 172. Inner containers do not require communications, unless the test data indicates a required inner packaging specification to be used.

* Do I have to describe the type of material contents in the testing data for industrial packagings?

Reference # 07-0115

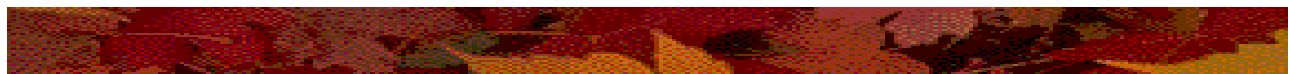
Yes, the tests must indicate the kind of contents and how the material will not be lost or dispersed from the container, or loss of shielding integrity, as a result of the tests.

* Is a shipper required to mark "USA" on an industrial packaging if it is not there?

Reference # 07-0115

Yes, if a shipper in the United States is certifying that the freight container meets the applicable design requirements, the shipper is required to mark the package with "USA".

To access any DOT letters of interpretation, go to: <http://www.phmsa.dot.gov/hazmat> Then, click on: "Interpretations" Next, you can search by entering the reference number in the search box or search by the applicable regulatory section number, or search by the published date. Do not forget that you have this internet address (and many more) in a Word document on our training class CD handout.



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Back to Key West

Welcome Back the Advanced NRC/DOT Shipper Refresher Class in Key West

Come join us for one of our comprehensive and intensive refresher training workshops designed for experienced radioactive material shippers. We are offering the 3-day advance refresher class for packaging, transportation and disposal of radioactive material/waste during the week of January 9th, 2011 in Key West, Florida. This class will provide an opportunity to see all the updates in the regulations, review of the shipping fundamentals and interaction with peers in our industry.

Also available to meet your function-specific training needs during the same week:

- ◆ Load securement for shippers on **Monday**
- ◆ IATA for the air transport of radioactive materials on **Friday**

Doubletree Grand Key Resort

3990 S. Roosevelt Blvd., Key West, Florida, United States 33040



The Training & Development Organization would like to welcome Jerry Green to EnergySolutions. Jerry is a graduate of the University of Tennessee, and has worked in the hazardous materials transport environment for over 30 years in various capacities. He conducts training courses in both domestic and international regulations that govern the transport of radioactive and other hazardous materials. Jerry was named an "Instructor with Distinction" by the International Air Transport Association and has also served the US Department of Transportation as Associate Staff at their Transportation Safety Institute in Oklahoma City.