



# Regulatory and Legislative Development Highlights

*Our mission is to enable EM sites to package and transport EM radioactive material and waste in full compliance with all applicable regulations.*

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Office of Environmental Management (EM)

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## Welcome!

Welcome to the first issue of the EM Office of Transportation's regulatory newsletter published to convey new developments, changes, issues and resolutions, and best practices in national and international transportation and packaging regulations, legislations, and standards areas.

### **Minor Editorial Corrections and Clarifications to Hazardous Materials Regulations (HM-189Y): Final Rule Published 09/23/2005; Effective Date: 09/28/2005**

In this final rule, the Department of Transportation (DOT) corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the Hazardous Materials Regulations (HMR).

One significant change is related to the revision of current section 178.350 (c) in Part 178, titled "SPECIFICATION FOR PACKAGING." DOT has now defined the term "packaging manufacturer". The revised section states:

*(c) Each Specification 7A packaging must comply with the marking requirements of 178.3. In paragraph 178.3(a) (2), the term "packaging manufacturer" means the person certifying that the package meets all requirements of this section."*

The 49 CFR Part 178.350 (a) lists the performance requirements of Type A packaging to include the determination of significant increase in the radiation level (173.412)(j)(2). The packaging supplier (fabricator) can not determine the radiation level because the supplier does not know the radioactive material that is being packaged in the Type A container. Therefore, the **shipper** is the manufacturer for Type 7A containers.

The manufacturer is the "person" that certifies full compliance with the requirements within 178.350. These requirements include packaging general design requirements (173.410), additional design requirements for Type A packages (173.412), requirements for authorized Type A packages (173.415), and Type A packaging test requirements (173.465).

With regard to marking, there is no specific location for the manufacturer's marking on a DOT Specification 7A Type A packaging. The name and address or registered symbol can be anywhere on the packaging.

The "Packaging Manufacturer" term and marking sequence for a Type A package was also clarified by DOT in the May 3, 2005, letter addressed to Mr. Dennis Ashworth, EM Office of Transportation. The letter states that the **user** of the Type A packaging must ensure all applicable requirements are met.

Questions? Or Comments! Contact Ashok Kapoor (202) 586-8307, Fax: 505-586-5256 or e-mail: [ashok.kapoor@hq.doe.gov](mailto:ashok.kapoor@hq.doe.gov) or Dorothy Brown (301) 903-4925  
Visit our web site -<http://web.em.doe.gov/otem>

## 24-Hour Emergency Response Phone Number

It is important all EM Field Offices must ensure that shipping papers include an **active** 24-hour emergency response phone number as required by DOT 49 CFR 172.604.

A recent incident report of EM site's non-compliance with this requirement makes it imperative that EM Field Offices must review their current shipping procedures and confirm that requirements of Hazardous Material Regulations, including the following, are also complied with prior to the departure of shipment from the EM facility:

1. The shipper must monitor the emergency response phone number the entire time a shipment is in transportation (until it reaches its destination as designated on the shipping paper).
2. The person receiving the call must be either knowledgeable of the characteristics of the hazardous material and has comprehensive emergency response information, or has **immediate** access to the person who possesses such knowledge.
3. Immediate access is not defined in the HMR. However, the term is intended to indicate that the emergency response information must be provided to a responder with no **undue delay**.
4. Any delay longer than a few minutes (callback, use of pager, answering machines, and answering service) is unacceptable. The emergency responder would want the information as quickly as possible and that, in many, if not most, hazardous materials transportation response situations, a delay of 15 minutes would be **unacceptable**.
5. A complete telephone number (including area code or international access code) is entered on the shipping paper **immediately** following the description of the hazardous material to which it applies, **or** if it applies to all hazardous materials on the shipping paper, in a **visible** location with an indication that the number is for emergency response information

DOT has received more than 25 letters from shippers

asking for clarification of requirements since 1989. These letters are available on DOT Hazmat website at <http://www.myregs.com/dotrspa/>

We have summarized key areas of DOT interpretation in this bulletin. We hope this information is helpful to our customers.

## EM Office of Transportation Issues Recommendations Concerning Load Securement

Federal Motor Carrier Safety Administration's (FMCSA) new cargo securement requirements are now in effect. The new requirements are based on model regulations developed in a cooperative program between the United States and Canada.

The EM Office of Transportation has issued "**Load Securement Field Guide**" prepared with the help of DOE Field contractors and motor carriers responsible for transporting shipments of low level radioactive waste for the DOE complex. The purpose of this Field Guide is to assist those qualified and certified contractor employees who verify the load securement of low-level radioactive waste shipments prior to the release of shipment from the EM facility. This Field Guide is based on Federal Motor Carrier Safety Regulations (49 CFR Parts 325-399), Hazardous Materials Regulations (49 CFR Parts 100-178), Commercial Vehicle Safety Alliance (CVSA) recommendations, and various contractors and motor carriers best practices.

The Field Guide has 11 topical sections including general load securement requirements, manufacturing standards, tips for inspecting anchor points, webbing, chain, and rope. It also includes tips for inspecting certain type of containers on the transportation equipments. There is also a standard "*Low Level Radioactive Waste by Highway Load Securement Worksheet*" for use by inspectors.

For more information or if you need a copy of Field Guide, please contact Mr. Eric Huang, Office of Transportation at (301)-903-4630 or Lee Stevens of Nevada Test Site at (702)-295-4800.

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