

## Proper Shipping Name Marking Clarification

We received many comments on the package marking pictured in our last newsletter. I appreciate all the feedback. Just to clarify, the Proper Shipping Name (PSN) is limited to the entry shown in "Roman" type (not italics) in column 2 of the Hazardous Material Table (HMT). These requirements are outlined in 49 CFR 172.101(c). If the word "or" is in italics, then DOT wants you to choose between two descriptions as appropriate. In the case of "non-fissile or fissile-excepted" DOT is not requiring either descriptor to be included as part of the PSN because both descriptions are in italics. Should you choose to include a fissile descriptor, please choose one or the other because the word "or" is also in italics. I have had many shippers suggest leaving off the "fissile" wording in the PSN package marking due to negative public perception. Remember that DOT allows the fissile-excepted description to be included in the PSN or as additional information placed after the basic description on the shipping papers. I hope this covers all the feedback I received this past quarter. Thank you all for your input.



Minimum required package marking per 49 CFR 172.301

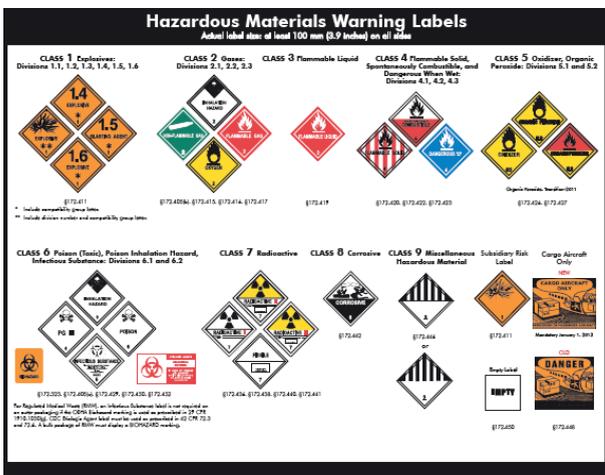


Optional "non-fissile" marking if no fissile material is present



Optional "fissile-excepted" marking if fissile material is present and meets 173.453

**DOT Chart 14** - This handy and colorful guide displaying markings, labels and placards has been updated and is now available in our training class and can be downloaded from the DOT website: <http://phmsa.dot.gov/hazmat/training/publications>



## Recent Industry Issues

Is the tiedown holding the placard to the box? Are either of the tiedowns blocking the view of the placard? Would this be a good topic to discuss with your drivers? Placards should always be visible in the direction that they face, except when blocked by a coupled truck-tractor or another trailer or another rail car as appropriate.



Is proper load securement only for commercial motor vehicles (CMV)? The Federal Motor Carrier Regulations (49 CFR Parts 380 to 397, especially part 393 concerning load securing) are required to be followed when loading your packages in or on a CMV. Can we still apply the concepts for smaller vehicles? Do not forget that the load securement requirements in 49 CFR 173.24 (material inside the package), and 173.448 & 177.834 (packages on any motor vehicle) apply to all class 7 radioactive material shipments.



What can you find wrong here? Are labels allowed to be on or near distracting markings? [49 CFR 172.406(f)] Do labels have to be near and on the same side as the proper shipping name marking? [49 CFR 172.406(a)(1)(ii)] Be careful with your package communications.



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## New Rulings in the Federal Register

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### PHMSA Final Rule Wednesday, March 2, 2011

PHMSA is implementing enhanced inspection, investigation, and enforcement authority given to the Secretary of Transportation. This final rule establishes procedures for issuance of emergency orders to address unsafe conditions or practices posing an imminent hazard. It allows the opening of packages to identify undeclared or noncompliant packages. It also authorizes the temporary detention and inspection of non-compliant packages. The final rule is effective May 2, 2011 and is included in the new part 109 to Title 49, Subtitle B, Chapter 1, Subchapter A. The final rule can be read in total at this address:

<http://www.gpo.gov/fdsys/pkg/FR-2011-03-02/pdf/2011-4270.pdf>

*Contributed by Merrie Schilperoort*

On **January 28, 2011** (76 FR 5215), the U.S. Nuclear Regulatory Commission (NRC) published a Notice of Issuance and Availability of Draft Regulatory Guide, DG-7007, "Administrative Guide for Verifying Compliance with Packaging Requirements for Shipment and Receipt of Radioactive Material". The 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." Electronic copies of DG-7007 are available through the NRC's public website under Draft Regulatory Guides in the "Regulatory Guides" collection of the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/doccollections/>. Electronic copies are also available in ADAMS (<http://www.nrc.gov/reading-rm/adams.html>), under Accession No. ML101040727. Comments would be most helpful if received by March 30, 2011.

On **January 10, 2011** (76 FR 1376), the U.S. Nuclear Regulatory Commission (NRC) published an extension of comment period for the proposed ruling published on October 13, 2010 (75 FR 62695), to amend the security regulations in 10 CFR Part 73 pertaining to the transport of irradiated reactor fuel (for purposes of this rulemaking, the terms "irradiated reactor fuel" and "spent nuclear fuel" (SNF) are used interchangeably). This proposed rule would establish generically applicable security requirements similar to those previously imposed by NRC orders issued after the terrorist attacks of September 11, 2001. The proposed rule would establish the acceptable performance standards and objectives for the protection of spent nuclear fuel shipments from theft, diversion, or radiological sabotage. The proposed amendments would apply to those licensees authorized to possess or transport spent nuclear fuel. The proposed security requirements would also address, in part, a petition for rulemaking from the State of Nevada (PRM-73-10) that requests that NRC strengthen the regulations governing the security of spent nuclear fuel shipments against malevolent acts. The public comment period for this proposed rule was scheduled to expire on January 11, 2011. The NRC has determined that additional time is needed for public review of the potential impacts of the proposed requirements. In order to allow the public sufficient time to review and comment on the proposed rule, the NRC has decided to extend the comment period until April 11, 2011.

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## 2012 Training Class Schedule

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We are now working on our training class schedule for 2012. We would appreciate your input on how to make our open-enrollment schedule work better for you. We are especially looking for your input on our highly requested 3-Day Advanced Refresher course. Let us know what cities interest you most. Also, what month of the year would work best for you? Please cast your vote!

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## New Rulings in the Federal Register – *Cont'd*

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On **February 16, 2011** (76 FR 8940), the Department of Transportation (DOT) published a notice for public comments on the existing DOT regulations. In accordance with Executive Order 13563, “Improving Regulation and Regulatory Review,” DOT is conducting a review of its existing regulations to evaluate their continued validity and determine whether they are crafted effectively to solve current problems. As part of this review, DOT invites the public to participate in a comment process designed to help DOT ensure that it has a plan for periodically analyzing existing significant rules to determine whether they should be modified, streamlined, expanded, or repealed and identify specific rules that may be outmoded, ineffective, insufficient, or excessively burdensome. DOT also will hold a public meeting to discuss and consider comments from members of the public. Comments should be received on or before April 1, 2011.

On **February 16, 2011** (76 FR 9041), the Department of Homeland Security Transportation Security Administration (TSA) published a notice to request approval from the Office of Management and Budget (OMB) of One New Public Collection of Information: Security Program for Hazardous Materials Motor Carriers & Shippers The TSA invites public comment on a new information collection requirement involving the submission of security training program evaluation forms by hazardous materials (hazmat) motor carriers and shippers after participants have received TSA produced security awareness training. TSA’s Highway & Motor Carrier Division will be producing a voluntary security-related training course for the hazmat motor carrier and shipper industry. Participants will be able to choose to attend TSA instructor-led training sessions; or hazmat motor carriers and shippers that are registered with the U.S. Department of Transportation (DOT) will automatically receive the training via CD-ROM and DVD; or companies may complete the training on-line at the TSA public website: <http://www.tsa.gov>. Send your comments by April 18, 2011.

On **March 1, 2011** (76 FR 11288), the U.S. Nuclear Regulatory Commission (NRC) published a Notice of Issuance and Availability of Draft Regulatory Guide, DG–7008, “Leakage Tests on Packages for Shipment of Radioactive Materials.” DG–7008 is proposed Revision 1 of Regulatory Guide 7.4, dated June 1975. This guide describes an approach that the NRC staff considers acceptable for meeting the containment criteria for Type B packages in Title 10, Section 71.51, “Additional Requirements for Type B Packages.” 10 CFR 71.51 requires licensees to ensure that Type B packages, following tests for normal conditions of transport and hypothetical accident conditions, meet the containment criteria to minimize radioactive contamination and dose rates to the public. Electronic copies of DG–7008 are available through the NRC’s public Web site under Draft Regulatory Guides in the “Regulatory Guides” collection of the NRC’s Electronic Reading Room at <http://www.nrc.gov/reading-rm/doccollections/>.

Electronic copies are also available in ADAMS (<http://www.nrc.gov/reading-rm/adams.html>), under Accession No. ML102350572. The regulatory analysis may be found in ADAMS under Accession No. ML102350573. Comments would be most helpful if received by April 26, 2011.

On **February 28, 2011** (76 FR 10771), the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a final ruling amending the Hazardous Materials Regulations (HMRs) by limiting the use of electronic devices by highway. PHMSA is prohibiting texting on electronic devices by drivers during the operation of a motor vehicle containing a quantity of hazardous materials requiring placarding or any quantity of a select agent or toxin listed in the Department of Health and Human Services “Select Agents and Toxins” regulations. Additionally, in accordance with requirements adopted on September 27, 2010 by the Federal Motor Carrier Safety Administration (FMCSA), motor carriers are prohibited from requiring or allowing drivers of covered motor vehicles to engage in texting while driving. This rulemaking improves the health and safety on the Nation’s highways by reducing the prevalence of distracted driving-related crashes, fatalities, and injuries involving drivers of commercial motor vehicles. This final rule is effective March 30, 2011.