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UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS
WASHINGTON, D.C. 20555

October 28, 1992

NRC INFORMATION NOTICE NO. 92-72: EMPLOYEE TRAINING AND SHIPPER REGISTRATION
REQUIREMENTS FOR TRANSPORTING RADIOACTIVE
MATERIALS

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Addressees

All U.S. Nuclear Regulatory Commission licensees.

Purpose

The U.S. Nuclear Regulatory Commission (NRC) is issuing this information notice to review two recent rulemaking actions completed by the U.S. Department of Transportation (DOT). These recently effective regulations prescribe requirements for training employees who perform any function subject to the requirements of DOT Hazardous Material Regulations, and establish DOT registration and fee requirements applicable to any person who offers for transport specified quantities of radioactive materials.

This notice applies to licensees who prepare and deliver radioactive material packages to common or contract carriers, or who prepare and transport packages as private carriers. It is expected that licensees will review the DOT requirements for applicability to their licensed activities and consider actions, as appropriate, to ensure compliance when shipping packages containing radioactive materials. However, suggestions contained in this notice do not constitute any new NRC requirements, and no written response is required.

Background

NRC and DOT share primary responsibility for regulating the transportation of radioactive materials within the United States. NRC regulations for the transportation of radioactive materials are codified in 10 CFR Part 71, "Packaging and Transportation of Radioactive Materials." DOT's hazardous materials regulations, which address radioactive materials, are codified in 49 CFR Parts 100-199. A provision in the NRC regulations, 10 CFR 71.5, requires that NRC licensees comply with DOT's hazardous material regulations.

Discussion

The first DOT rulemaking action (Training for Safe Transportation of Hazardous Materials, 57 FR 20944, May 15, 1992, excerpted amendments attached) adds "Subpart H -- Training" to 49 CFR Part 172, "Hazardous Materials Tables

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and Hazardous Materials Communications Regulations." The second action (Hazardous Materials Transportation; Registration and Fee Assessment Program, 57 FR 30620, July 9, 1992, excerpted amendments attached) adds "Subpart G -- Registration of Persons Who Offer or Transport Hazardous Materials" to 49 CFR Part 107, "Hazardous Material Program Procedures." The following discussion summarizes major requirements included in the two actions; licensees are advised that the Subparts contain additional requirements that may be applicable to their programs.

(1) Hazardous Material Employee Training
(49 CFR Part 172, Subpart H, Sections 172.700-172.704, effective July 1, 1992)

The training is described in 49 CFR 172.700(b) as a systematic program that ensures a hazmat employee has familiarity with the general provisions of the hazardous material regulations (49 CFR Parts 171-180), is able to recognize and identify hazardous materials, has knowledge of specific requirements of the hazardous material regulations applicable to functions performed by the employee, and has knowledge of emergency response information, self-protection measures and accident prevention methods and procedures.

Section 172.702 requires that hazmat employers ensure that hazmat employees are trained and tested on the training subjects covered in Section 172.704.

Paragraph 172.704(a) contains more specific requirements for general awareness, function-specific and safety training. Subparagraph 172.704(a)(2) requires that hazmat employees receive training concerning hazardous material regulatory requirements specifically applicable to the functions the employee performs. For example, 49 CFR 177.842(d) requires that packages be so blocked and braced that they cannot change position during conditions normally incident to transportation. Subparagraph 172.704(a)(2) requires that an employee performing blocking and bracing be trained to perform that function.

Paragraph 172.704(c) requires that initial training for each hazmat employee employed before November 15, 1992, be completed prior to April 1, 1993, and that training for hazmat employees employed after November 15, 1992, be completed within 90 days after employment. The paragraph also requires that hazmat employees receive required training at least once every two years.

Paragraph 172.704(d) contains training recordkeeping requirements.

Hazmat employee training requirements are also contained in 49 CFR Part 177, "Carriage by Public Highway" (also effective July 1, 1992). Paragraph 177.800(c) prohibits private, common, or contract carriers from transporting a hazardous material by motor vehicle unless each of its hazmat employees involved in that transportation is trained as required by 49 CFR 172 Subpart H.

(2) Hazardous Material Shipper/Carrier Registration
(49 CFR Part 107, Subpart G, Sections 107.601-107.620, effective August 31, 1992)

As described in Section 107.601, the registration and fee requirements of Subpart G apply to any person who offers for transportation, or transports, in foreign, interstate or intrastate commerce, any highway route-controlled quantity of radioactive material. (A highway route-controlled quantity is defined as a quantity within a single package which exceeds 3,000 times the appropriate A value as specified in 49 CFR 173.433 or 30,000 curies, whichever is least). The requirements also apply to a shipment of 5,000 pounds gross weight or more of a class of hazardous material(s) for which placarding is required.

Section 107.606 contains exceptions from the Subpart for Federal, State, and local agencies, and other persons.

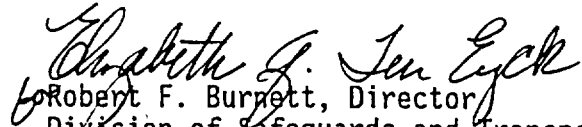
Section 107.608 contains the general registration requirements, including a provision that no person required to file a registration statement may transport or cause to be transported or shipped hazardous materials, unless such person has on file, in accordance with Section 107.620, a current annual DOT Certificate of Registration.

Section 107.616 contains payment procedures for the annual fee, established at \$300 in Section 107.612. Section 107.616 also describes an expedited registration process (\$350).

Section 107.620 describes recordkeeping requirements, including a requirement for each person to maintain copies of the registration statement, payment instrument, and Certificate of Registration for a period of three years from the date of issuance of each Certificate of Registration. This section also requires each motor carrier to carry a copy of its Certificate of Registration on board all transport vehicles used to transport hazardous materials.

Licensees are reminded that compliance with DOT regulations is subject to NRC and DOT inspection, and that licensees are responsible for maintaining awareness of applicable DOT regulatory requirements.

This information notice requires no specific action or written response. If you have any questions about the information in this notice, please contact one of the technical contacts listed below or the appropriate regional office. Questions about DOT requirements should be directed to DOT.


for Robert F. Burnett, Director
Division of Safeguards and Transportation
Office of Nuclear Material Safety
and Safeguards

Technical contacts: John R. Cook, NMSS
(301) 504-2458

George Brown, DOT
(202) 366-4545

Attachments: *See File Jacket*

1. Copy of amendments from DOT Final Rule on hazardous material employee training (57 FR 20952)
2. Copy of amendments from DOT Final Rule on hazardous material shipper/carrier registration (57 FR 30630)
3. List of Recently Issued NMSS Information Notices
4. List of Recently Issued NRC Information Notices