

IATA DGR 2016 Changes

Shippers of dangerous goods (hazardous material) by air should be aware of the upcoming changes in the 2016 International Air Transport Association's Dangerous Goods Regulations (IATA DGR) 57th edition. IATA has posted both a hand-out listing the significant changes and an overview video on their website: <http://www.iata.org/whatwedo/cargo/dgr/Pages/download.aspx> Please take the time to review these changes in the new 57th edition that will become effective January 1, 2016. Also, we recommend visiting your air carrier's website for any updated checklists and guides.



IATA Course Back in 2016 Lineup

We have added back our one-day IATA course for the transportation of radioactive material by air in conjunction with our DOT/NRC Radioactive Waste Packaging, Transportation and Disposal. Check out our locations and dates in 2016 by visiting our website: <http://www.energysolutionstraining.com>



Recent Industry Issues

Can you spot what is wrong with the label? Look closely at the label's trefoil, specifically the center dot. It is not the right proportion per 49 CFR 172.407(g) and Appendix B to Part 172. Do bulk package markings have any size or visibility requirements? The gross weight marking should not be covered by the clip per 49 CFR 172.304(a)(3) and should be at least 50mm high and 6mm bold per 49 CFR 172.302(b)(3).



Can you find the three issues with this placard? First, this placard is missing the black inner border around the upper portion and should have continued around the top of the yellow triangle per 49 CFR 172.519(c) (1) & 172.556. Second, this placard is dirty and should be kept clean per 172.516(c)(6). Third, some of the yellow color is missing near the right-side of the trefoil symbol. The yellow color should be solid per 49 CFR 172.519(d) & 172.556. The spray painted hazard class maybe an issue to mention, but not a violation.

Who Ya Gonna Call?

Remember that tag line made famous in the movie Ghostbusters? Well, what about when you have a question regarding the Department of Transportation (DOT) hazardous material regulations? The DOT has a Hotline available to help you. The number to the Hazardous Material Information Center is **1-800-467-4922**. They are available Monday through Friday, 9:00 am to 5:00 pm (ET), except Federal holidays.



The person who answers your call will begin the conversation by asking for your name and phone number. He or she will give you their first name. When you ask your question, it helps to give them a section or paragraph citation concerning the regulatory question. Sometimes they will provide you with a reference to a letter of interpretation. Occasionally they may place you on hold while they confer with a colleague.

Here are some questions recently asked on the DOT Hotline with the answers paraphrased:

- 1) If I have a placarded or labeled package either tarped/covered or placed inside a van box etc., will the placarding on the vehicle satisfy the communication requirements?

The DOT's response was YES as long as all the requirements for both labeling and placarding have been met.

- 2) What if placarding is not required for non-bulk packages on the vehicle but they are covered or placed in a van box, do I need to placard now?

DOT's response was NO. When placarding is not required for non-bulk packages, the rule still applies. Even if the packages are covered with a tarp or placed in a van, the vehicle would not require placarding.

- 3) If I am shipping Low Specific Activity (LSA) material using the exceptions for packaging, marking and labeling, and now with the new changes in the regulations it requires me to label for subsidiary hazards only, does that apply to a bulk package as well?

DOT's response was NO. The requirement to label for the subsidiary hazards is for non-bulk packages.

If you prefer email, DOT has an email address that you can send your questions to if you have some time to wait for a response. The email address is infocntr@dot.com. An emailed question can also be an avenue to request a formal response. The Pipeline and Hazardous Materials Safety Administration (PHMSA) "provides written clarifications of the Hazardous Materials Regulations (HMR; 49 CFR Parts 100-185) in the form of interpretation letters." Please note that "while interpretations are one form of guidance provided by PHMSA, they do not create legally-enforceable rights or obligations and are provided to help the public understand how to comply with the HMR." "Interpretations" phmsa.dot.gov Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Web 10 November, 2015

As you can see, the DOT Hotline and email address can be a helpful resource to you when you don't know who to call for some of those scary regulatory questions. I ain't afraid of no ghost!

Recent Industry Issues



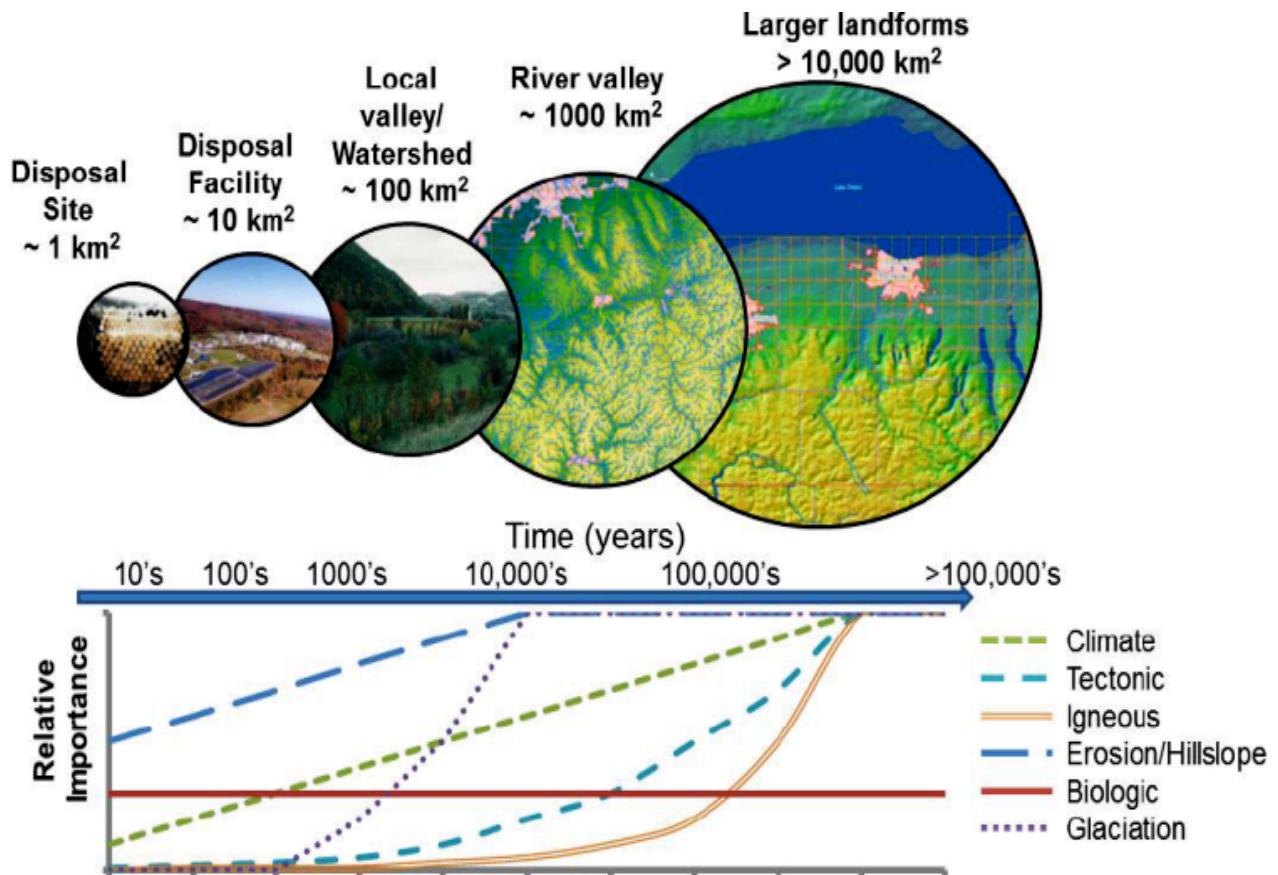
Load securing is important for public safety, especially the driver. Load securement is required for any person who performs the function of loading a hazardous material in a package or the package on a vehicle. NRC requires licensees to comply with 49 CFR 390 thru 397 in 10 CFR 71.5(a), this includes load securing of material in packages and the package itself on a trailer. NRC has also expressed concern for a lack of load securing training and procedural incorporation in NRC IN 87-31. DOT requires shippers in 49 CFR 173.30 that load or unload packages to comply with 49 CFR Part 177. In Part 177, shippers are required to comply with the Federal Motor Carrier Safety Regulations in 49 CFR 390 thru 397. DOT also requires shippers to ensure nothing shifts in a package or the package itself shifts in 49 CFR 173.448(a) and 173.427(a)(6).

Latest Happenings in the Federal Register

DOT Updates Special Permit Process

On September 10, 2015 (80 FR 54418), the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a final ruling in the federal register adopting regulations to include the standard operating procedures (SOPs) and criteria used to evaluate applications for special permits and approvals. In this rulemaking, PHMSA is amending the Hazardous Materials Regulations (HMR; 49 CFR parts 171– 180) to incorporate procedures to support

the administration of its special permits and approvals programs in a new Appendix A to Part 107, Subpart B of the 49 CFR. These amendments do not change previously established policies, to include but not limited to any inspection activities subsequent to issuance, modification or renewal of a special permit and approval. This final rule became effective on November 9, 2015.



NRC Reopened LLRW Disposal Comment Period

On August 27, 2015 (80 FR 51964), the Nuclear Regulatory Commission (NRC) published a notice in the federal register reopening the public comment periods for both the notice of proposed rulemaking (NPRM) amending 10 CFR Parts 20 and 61 that govern low level radioactive waste (LLRW) disposal facilities (80 FR 16081),

and the draft NUREG-2175 "Guidance for Conducting Technical Analyses for 10 CFR part 61" (80 FR 15930) published on March 26, 2015. The public comment period for the proposed rule and draft guidance closed on July 24, 2015, but the NRC reopened the public comment periods ended September 21, 2015.

Latest Happenings in the Federal Register (cont.)



Proposed Hazardous Waste Generator Improvements

On September 25, 2015 (80 FR 57918), the Environmental Protection Agency (EPA) published a proposed ruling in the federal register to revise the hazardous waste generator regulations (40 CFR Parts 260 – 279) under the Resource Conservation

and Recovery Act (RCRA). EPA proposes to revise certain components of the hazardous waste generator regulatory program; address gaps in the regulations; provide greater flexibility for hazardous waste generators to manage their hazardous waste in a cost-effective and protective manner; reorganize the hazardous waste generator regulations to make them more user-friendly and thus improve their usability by the regulated community; and make technical corrections and conforming changes to address inadvertent errors, remove obsolete references to programs that no longer exist, and improve the readability of the regulations. The original comment period ended November 24, 2015, but on November 05, 2015 (80 FR 68490), the EPA extended the comment period to December 24, 2015.

Proposed Pharmaceutical Hazardous Waste Management Standards

On September 25, 2015 (80 FR 58014), the Environmental Protection Agency (EPA) published a proposed ruling in the federal register to revise the regulations found in 40 CFR Parts 261 – 273 to improve the management and disposal of hazardous waste pharmaceuticals regulations. The revisions are also intended to tailor these regulations to address the specific issues that hospitals, pharmacies and other healthcare-related facilities face and to clarify the regulation of the reverse distribution mechanism used by healthcare facilities for the management of unused and/or expired pharmaceuticals. The original comment period ended November 24, 2015, but on November 05, 2015 (80 FR 68491), the EPA extended the comment period to December 24, 2015.

FMCSA Updates 49 CFR

On October 01, 2015 (80 FR 59065), the Federal Motor Carrier Safety Administration (FMCSA) published a final rulemaking in the federal register to amend its regulations by making technical corrections and ministerial corrections throughout 49 CFR Parts 350 through 397. The Agency is making minor changes to correct errors and omissions, ensure conformity with the Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories' standard, and improve clarity and consistency of certain regulatory provisions. This final rule does not make any substantive changes to the affected regulations, except to remove one obsolete provision. This final rule became effective October 1, 2015.



FMCSA Proposes Truck Safety Updates

On October 07, 2015 (80 FR 60592), the FMCSA published a notice of proposed rulemaking (NPRM) in the federal register to amend the regulations for "Parts and Accessories Necessary for Safe Operation" (49 CFR Part 393), and "Inspection, Repair and Maintenance" (49 CFR Part 396) of the Federal Motor Carrier Safety Regulations (FMCSRs) in response to several petitions. FMCSA proposes to add a definition of "major tread groove;" revise the rear license plate lamp requirement to provide an exception for truck tractors registered in States that do not require tractors to have a rear license plate; provide specific requirements regarding when violations or defects noted on a roadside inspection report need to be corrected; amend Appendix G to the FMCSRs, "Minimum Periodic Inspection Standards," to include provisions for the inspection of antilock braking systems (ABS), automatic brake adjusters, and brake adjustment indicators, speed-restricted tires, and motorcoach passenger seat mounting anchorages; and amend the periodic inspection rules to eliminate the option for motor carriers to use a violation-free roadside inspection report as proof of completing a comprehensive inspection at least once every 12 months. Comments must be received on or before December 7, 2015.

Latest Happenings in the Federal Register (cont.)

Proposed Hazardous Waste Export-Import Revisions

On October 19, 2015 (80 FR 63284), the EPA published a proposed ruling in the federal register to amend their existing regulations (40 CFR Parts 260 thru 273) in regards to the export and import of hazardous wastes from and into the United States. EPA is proposing changes to: 1. Provide greater protection to human health and the environment by making existing export and import related requirements more consistent with the current import-export requirements for shipments between members of the Organization for Economic Cooperation and Development (OECD); 2. Enable electronic submittal of all export and import-related documents (e.g., export notices, export annual reports); and 3. Enable electronic validation of consent in the Automated Export System (AES) for export shipments subject to RCRA export consent requirements prior to exit. Please submit your comments on or before December 18, 2015.



FMCSA Extends Unified Registration System Effective Date

On October 21, 2015 (80 FR 63695), the FMCSA published a final rule in the federal register to delay the effective and compliance dates for its August 23, 2013, Unified Registration System (URS) final rule (78 FR 52608). The 2013 URS final rule was issued to improve the registration process for motor carriers, property brokers, freight forwarders, Intermodal Equipment Providers (IEPs), hazardous materials safety permit (HMSP) applicants and cargo tank facilities required to register with FMCSA, and streamline the existing Federal registration processes to ensure the Agency can more efficiently track these entities. This final rule delays the implementation of the 2013 final rule in order to allow FMCSA additional time to complete the information technology (IT) systems work required to fully implement that rule. The effective date of this final rule is September 30, 2016.



Coast Guard Updates 2013 Interim Rule

On October 22, 2015 (80 FR 64191), the Coast Guard Department of Homeland Security published a supplemental notice of proposed rulemaking (SNPRM) in the federal register to propose additional updates and revisions to regulatory tables in 46 CFR Parts 30, 150 & 153 that were amended by an interim rule published on August 16, 2013 (78 FR 50147). The tables list liquid hazardous materials, liquefied gases, and compressed gases approved for maritime transportation in bulk, and indicate how each cargo is categorized by its pollution risk and safe carriage requirements. These proposals would correct errors in the interim rule and bring the tables current through December 2013. Updated information is of value to shippers and to the owners and operators of U.S.-flag tank and bulk cargo vessels in any waters, and most foreign-flag tank and oceangoing bulk cargo vessels in U.S. waters. Comments and related material must be submitted on or before January 20, 2016.



DOT Requests Response to Non-Compliant EX Approvals

On November 2, 2015 (80 FR 67485), the PHMSA published a notice in the federal register proposing to terminate explosive approvals not in compliance with the newly amended Special Provision 347 (January 19, 2011, 76 FR 3308, HM-215K). PHMSA, via certified mail, attempted to contact all of the listed approval holders in this notice during the month of October 2014. The certified letters were titled "Hazardous Materials Safety Law Division, Letter of Warning: Test Series 6(d) requirements for Division 1.4S Explosive Approvals." The certified letters requested that the approval holders notify PHMSA within 30 days with their intent with respect to the approvals. They were given the options to provide evidence of UN 6(d) testing, request a reassignment of the EX number to a higher compatibility group than "S", or request termination. PHMSA will terminate the listed approvals 30 days after this notice is published in the Federal Register, unless the holder requests reconsideration as outlined in 49 CFR 107.715.

Latest Happenings in the Federal Register (cont.)

New Restrictions for “E-Cigs” on Aircraft



On October 30, 2015 (80 FR 66817), the PHMSA published an interim final rule in the federal register to prohibit passengers and crewmembers from carrying battery powered portable electronic smoking devices (e.g., e-cigarettes, e-cigs, e-cigars, e-pipes, e-hookahs, personal vaporizers, electronic nicotine delivery systems) in checked baggage and prohibit passengers and crewmembers from charging the devices and/or batteries on board the aircraft. These devices may continue to be carried in carry-on baggage. This interim final rule does not impact the existing rules on the transport of lithium batteries or other portable electronic devices that are transported for personal use in a passenger’s checked or carry-on baggage. Because the actions taken in this interim final rule address a public safety risk, PHMSA finds that good cause exists to amend the regulations without advance notice and opportunity for public comment. PHMSA encourages persons to participate in this rulemaking by submitting comments containing relevant information, data, or views. PHMSA will consider all comments received on or before the closing date for comments, and will consider late filed comments to the extent practicable. This interim final rule may be amended based on comments received. The effective date of these amendments is November 6, 2015.

New EPA Steam Electric Power Plant Effluent Limits

On November 3, 2015 (80 FR 67837), the EPA published a final rule in the federal register to protect public health and the environment from toxic metals and other harmful pollutants, including nutrients, by strengthening the technology-based effluent limitations guidelines and standards (ELGs) for the steam electric power generating industry promulgated under the Clean Water Act (CWA). Steam electric power plants contribute the greatest amount of all toxic pollutants discharged to surface waters by industrial categories regulated under the CWA. This final rule establishes the first nationally applicable limits on the amount of toxic metals and other harmful

pollutants that steam electric power plants are allowed to discharge in several of their largest sources of wastewater. On an annual basis, this final rule reduces the amount of toxic metals, nutrients, and other pollutants that steam electric power plants are allowed to discharge by 1.4 billion pounds; it reduces water withdrawal by 57 billion gallons; and, it has social costs of \$480 million and monetized benefits of \$451 to \$566 million. This final rule is effective on January 4, 2016.

Frequently Asked Questions

Our FAQ topic for this quarter looks at radiation detection devices.

*** Is a device containing one gram or less of boron trifluoride at less than atmospheric pressure regulated as UN1008, Boron trifluoride 2.3 (8), Hazard Zone B?**

Reference # 06-0241, 07-0089, 070093, 10-0047 & 10-0057

No, these are subject to the HMRs when packaged and offered for shipment as described in these letters due to the form and limited quantity of boron trifluoride contained in the radiation detector tubes.

*** Is a device containing more than one gram of boron trifluoride regulated as UN1008, Boron trifluoride 2.3 (8), Hazard Zone B?**

Reference # 10-0047 & 10-0057

Yes, but review Special Provision 238 for additional limitations.

*** Are there any exceptions for radiation detection devices containing a compressed gas?**

Reference # 10-0040, 11-0017, 11-0216 & 14-0120

Yes, these are found in 49 CFR 173.310 for devices containing only a Division 2.2 gas & 172.102(c)(1) Special Provision 238 for devices containing boron trifluoride gas.

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 these letters and internet addresses listed on our training CD handout.

December 2015 – February 2016 Training Schedule

Course	Date	Location
Explosives Training for Shippers	November 19, 2015	Richland, WA
Federal Motor Carrier Safety Regulations for Drivers	December 1, 2015	Richland, WA
Hazardous Material General Awareness Transportation Training	December 2, 2015	Richland, WA
Advanced Mixed Waste Shipper Certification Training	December 7-10, 2015	Las Vegas, NV
Federal Motor Carrier Safety Regulations for Managers & Supervisors	December 8-9, 2015	Richland, WA
DOT/NRC Radioactive Waste Packaging, Transportation and Disposal Training	December 8-11, 2015	Las Vegas, NV
Reasonable Suspicion Training for Supervisors	December 10, 2015	Richland, WA
Advanced Mixed Waste Shipper Certification Training	Dec 14-17, 2015	Richland, WA
Load Securement for Drivers and Traffic Personnel	December 16, 2015	Richland, WA
Basic Level Transportation Training – Module 1 – Basic Hazardous Material	January 4-5, 2016	Richland, WA
Basic Level Transportation Training – Module 2 – Basic Hazardous Waste	January 6, 2016	Richland, WA
Basic Level Transportation Training – Module 3 – Basic Radioactive Material	January 6-7, 2016	Richland, WA
*Attend all three modules consecutively for \$1,550.00 (savings of \$600.00)		
Hazardous Material General Awareness Transportation Training	January 5, 2016	Richland, WA
Basic Level Transportation Training – Module 1 – Basic Hazardous Material	January 11-12, 2016	Las Vegas, NV
Basic Level Transportation Training – Module 2 – Basic Hazardous Waste	January 13, 2016	Las Vegas, NV
Basic Level Transportation Training – Module 3 – Basic Radioactive Material	January 13-14, 2016	Las Vegas, NV
*Attend all three modules consecutively for \$1,550.00 (savings of \$600.00)		
IATA: Transportation of Dangerous Goods by Air Shipper Certification Training	January 12-14, 2016	Richland, WA
Federal Motor Carrier Safety Regulations for Drivers	January 13, 2016	Richland, WA
Load Securement for Drivers and Traffic Personnel	January 14, 2016	Richland, WA
Advanced Mixed Waste Shipper Certification Training	January 25-28, 2016	Richland, WA
Advanced Mixed Waste Shipper Certification Training	January 25-28, 2016	Las Vegas, NV
Hazardous Material General Awareness Transportation Training	January 28, 2016	Richland, WA
Basic Level Transportation Training – Module 1 – Basic Hazardous Material	February 1-2, 2016	Albuquerque, NM
Basic Level Transportation Training – Module 2 – Basic Hazardous Waste	February 3, 2016	Albuquerque, NM
Basic Level Transportation Training – Module 3 – Basic Radioactive Material	February 3-4, 2016	Albuquerque, NM
*Attend all three modules consecutively for \$1,550.00 (savings of \$600.00)		
Basic Level Transportation Training – Module 1 – Basic Hazardous Material	February 1-2, 2016	Aiken, SC
Basic Level Transportation Training – Module 2 – Basic Hazardous Waste	February 3, 2016	Aiken, SC
Basic Level Transportation Training – Module 3 – Basic Radioactive Material	February 3-4, 2016	Aiken, SC
*Attend all three modules consecutively for \$1,550.00 (savings of \$600.00)		
Highway Route Control Quantity (HRCQ)	February 9, 2016	Richland, WA
General Packaging Requirements for the Transport of HazMat	February 9, 2016	Richland, WA
DOT/NRC/EPA Hazardous Waste/Mixed Waste Packaging, Transportation and Disposal	February 9-12, 2016	Aiken, SC
Federal Motor Carrier Safety Regulations for Drivers	February 10, 2016	Richland, WA
Radioactive Material Packaging Training	February 10, 2016	Richland, WA
Advanced Hazardous Material Shipper Certification Training	February 16-17, 2016	Richland, WA
Hazardous Material General Awareness Transportation Training	February 18, 2016	Richland, WA
Explosives Training for Shippers	February 18, 2016	Richland, WA
Advanced Hazardous Material Shipper Certification Training	February 23-24, 2016	Albuquerque, NM
IATA: Transportation of Dangerous Goods by Air Shipper Certification Training	February 23-25, 2016	Las Vegas, NV
DOT/NRC Radioactive Waste Packaging, Transportation and Disposal Training	February 22-25, 2016	San Diego, CA
Hazardous Materials Drivers Training	February 24, 2016	Richland, WA
Explosives Training for Shippers	February 25, 2016	Albuquerque, NM
Load Securement for Drivers and Traffic Personnel	February 25, 2016	Richland, WA
Air Transport of Radioactive Materials Training	February 26, 2016	San Diego, CA

Class dates and locations are subject to change



Online Training

EnergySolutions offers many courses online. Online training is a cost effective alternative to classroom training. It is self-paced and flexible, allowing the user to complete the course at his or her convenience. Training materials and references are accessed from the website.

Upon successful completion of your online training and receipt of payment, EnergySolutions will provide a certificate indicating that you have completed the training.

How to Get Started:

- Call or e-mail a contact listed below.
- Provide payment (check or credit card).
- Receive an access code.

What you Will Need:

- Access to a computer.
- Ability to print PDF files.

Contacts:

Jennifer Keszler (509) 375-9507
jkeszler@energysolutions.com

Merrie Schilperoort (509) 375-9504
mcschilperoort@energysolutions.com

Nancy Strong (803) 758-1882
nhstrong@energysolutions.com

Please visit our web site at
www.energysolutionstraining.com
for course descriptions, pricing, and registration forms.

Available Courses

- Air Transport of Radioactive Materials – \$525
- FMCSR for Drivers – \$425
- FMCSR for Managers and Supervisors – \$650
- Hazardous Material General Awareness Transportation Training – \$425
- General Packaging – \$425
- Hazardous Material Drivers Training – \$325
- HRCQ for Drivers – \$325
- Load Securement for Drivers and Traffic Personnel – \$325
- Transportation of Radioactive Materials for Drivers and Carriers – \$450
- Basic IATA: Transport of Dangerous Goods by Air – \$975 (includes current IATA Dangerous Goods Regulations)
– \$600 (without regulations)
- (Just Released!)**
NRC/DOT Radioactive Waste Packaging, Transportation and Disposal Training – \$1,295