



# Q2 2019 NEWS

KEEPING THE NUCLEAR AND HAZARDOUS MATERIAL TRANSPORTATION INDUSTRY INFORMED OF REGULATORY CHANGES AND UPDATES

## What Happened to Packing Groups!?!

For the longest time, Organic Peroxides (Division 5.2), Self-Reactive Substances (Division 4.1) and Explosives (Class 1) in the 49 CFR 172.101 Hazardous Material Table (HMT) were assigned a default Packing Group (PG) II. Packing groups indicate the degree of danger presented by the material per 172.101 paragraph (f). PG II would indicate a "medium" hazard during transport. But, the PG II assignment to these materials did not relate to the actual degree of hazard of the material and was not based on any classification criteria. This broadly assigned packing group to an entire group of materials for purposes of applying regulatory requirements had limited value in requiring an indication of the PG on a shipping paper. The United Nations (UN) Model Regulations, International Maritime Dangerous Goods (IMDG) Code and International Civil Aviation

Organization Technical Instructions (ICAO TI) removed the Packing Group II designation for organic peroxides, self-reactive substances and explosives, so export and import shipments were causing confusion with shippers, transporters and law enforcement personnel. The June 2, 2016 (81 FR 35484) Pipeline and Hazardous Materials Safety Administration (PHMSA) final rule (HM-215H) removed the PG designation for all organic peroxides, self-reactive substances and explosives in the HMT to harmonize with these international standards. PHMSA also removed and reserved 49 CFR 173.129 "Class 5, Division 5.2 - Assignment of packing group" in their federal register (83 FR 28162) published on June 18, 2019. So, that is what happened to the packing group (PG II) for organic peroxides, self-reactive substances and explosives!



**Please contact our news publication team with any comments, questions and/or feedback.**

**Editor:** Mark Lewis  
Director, Broker & Training Programs  
803.758-1827  
mslewis@energysolutions.com

**Writer:** James Leonard  
Senior Training Professional  
803.541.5019  
jleonard@energysolutions.com

**Coordinator:** Angie Lott  
Training Coordinator  
803.541.5014  
aklott@energysolutions.com

**Designer:** Angela M. Roe  
410.593.9891  
angelaeroe@gmail.com

## IMPORTANT DATE TO REMEMBER JANUARY 1, 2019

- Labels must have a 2mm inner border (HM-215M, 80 FR 1076, January 8, 2015 & HM-215N, 82 FR 15796, March 30, 2017)
- Begin voluntary IMDG Code 2018 Edition Amendment 39-18 compliance
- Begin using the IATA DGR 60th Edition



## NRC Updates Advanced Notification Designee List


The Nuclear Regulatory Commission (NRC) has updated the list of individuals to receive advance notification of radioactive material and nuclear material shipments required by either 10 CFR Part 37 (Category 1 and 2), Part 71 (HRCQ) or Part 73 (Spent Nuclear Fuel) on June 18, 2019. This list of States, Territories and Participating Tribes can be downloaded from the NRC website at <https://scp.nrc.gov/special/designee.pdf>.

## State Adoption of EPA Rules

Is the consignor's (generator's) and/or consignee's (recipient's) state an Environmental Protection Agency (EPA) Agreement State? If yes, has the Agreement State adopted the latest EPA regulation changes in 40 CFR? When shipping hazardous waste (including mixed waste), we hope you find out these answers during your pre-transportation planning.

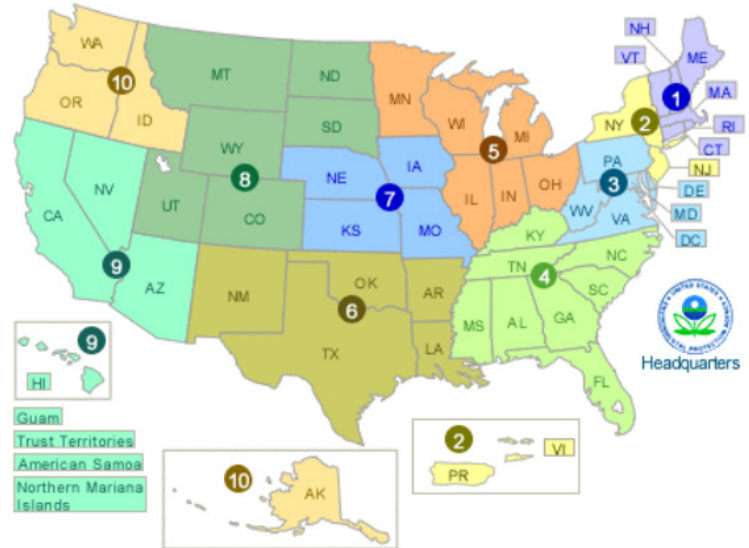
State authorization is a rulemaking process EPA delegates the primary responsibility of implementing the Resource Conservation and Recovery Act (RCRA) hazardous waste program to individual states in lieu of the EPA. This process ensures national consistency and minimum standards while providing flexibility to states in implementing rules. Currently, 50 states and territories have been granted authority to implement the base or initial program as an EPA "Agreement State." Many are also authorized to implement additional parts of the RCRA program that EPA has since promulgated, such as corrective action and the land disposal restrictions. State RCRA programs must be at least as stringent as the federal requirements, but states can adopt more stringent requirements as well.

The State Authorization Tracking System (StATS) tracks the status of each state with regard to changes made to the federal hazardous waste regulations. You can find more information on the status of any state or territory by going to the [EPA's StATS website](#).



### Seasonal Safety

Summer is around the corner and so is the possibility of heat related illnesses. Be careful while working and playing outside in the sunshine. Remember to stay well hydrated and rested to beat the heat.



## Frequently Asked Questions

### Empty Radioactive Material Packagings

**\* Do I have to remove all markings, including the orange panel for bulk packages, on an empty packaging of radioactive material?** Reference # 99-0143 & 04-0222

Yes. Section 173.428 mentions removing, covering or obliterating the hazard label. This would also include all applied markings that are required when the package was full. Only the Empty label is required from the Part 172 specification communication requirements.

**\* Can I use the Empty label for non-radioactive material empty packagings?** Reference # 01-0169

Yes, the Empty label required for radioactive material empty packagings in 173.428 can be used for empty, clean and purged non-radioactive hazardous material packagings. This is allowed for empty packagings that contained any hazard class.

**Editor's Note:** If you see a DOT specification Radioactive Empty Label on a package, please do NOT assume that it only contains the hazards of class 7 radioactive material. You may encounter any other hazard class residue inside the packaging, unless the empty packaging also has the identification number: UN2908. Please be careful!

**\* Do I have to remove, cover or obliterate the manufacturer's markings on an empty packaging of radioactive material?** Reference # 04-0222

No, the manufacturer's marking should remain visible on the packaging, unless the packaging can no longer meet the required packaging specifications. For example, "USA DOT 7A TYPE A" should not be covered on an UN2908 empty packaging when the packaging can still meet the Type A packaging specification. Covering this manufacturer marking is an indication that the packaging can no longer meet the Type A packaging requirements.

**\* Does the Hazardous Material Regulations (HMRs) apply to purged and empty cylinders that previously contained a compressed mixture of noble gases?** Reference # 05-0047

No, as long as it no longer meets the definition for class 7 radioactive material (less than one of the limits set in section 173.436) and no longer meets the definition for Division 2.2 non-flammable compressed gas (the pressure has been relieved).

**\* Are shippers of empty radioactive material packaging hazardous material employees and require DOT training?** Reference # 99-0143

Yes, because 49 CFR 173.428(f) refers to section 173.422, which paragraph (d) in section 173.422 requires hazardous material employee 172 Subpart H training.

DOT letters of interpretation can be found at: <https://www.phmsa.dot.gov> Click on: "Regulations and Compliance" then "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. To access any NRC Informational Notices, go to: <http://www.nrc.gov/reading-rm/doc-collections> Then, click on Generic Communications, Informational Notices, and search by appropriate year. Do not forget that you have these internet addresses (and many more) in a PDF on our training class CD handout.

# popquiz

Recent Lessons Learned, Industry Events, and Operating Experiences

## Careful how you enter the identification numbers on an orange panel.



49 CFR 172.332(b)(1) requires them to be displayed as 100 mm high black Helvetica medium numerals. Compare the numerals on this orange panel to "2794" font type. Also, be careful when placing a placard on a non-contrasting background, like this radioactive class 7 placard on a white background. 49 CFR 172.516(c)(7) requires a placard to have either a dotted or solid line outer border which contrasts with the background color.



## Should the package markings be visible and durable?

Hopefully you said "YES!" with enthusiasm. The

"Radioactive-LSA" is excepted from the 49 CFR Part 172 specification marking requirements, but what you are doing to ensure the marking survives normal conditions of transport, like rain & humidity, hot & cold temperatures, wind, etc? Some shippers would recommend cleaning the package surface, using spray adhesive and/or applying good quality clear packing tape over the marking. Also, the waste class marking may have requirements associated with it. For example, if this rail gondola car is shipped to Clive, Utah, then the waste class marking would need to be at least 0.5 inches high and in a contrasting color to meet the Utah's "Generator Site Access Permit Enforcement Policy." Lastly, should there be more space between markings and placards? At least 3 inches away per 49 CFR 172.516(c)(4).

## What is this tiedown hooked to?

Is that a rated anchor point? And is it hooked in a manner to prevent unfastening during transport? These are all good questions we hope you ask every time you plan out cargo securement. 49 CFR 393.104 requires all devices and systems used to secure cargo to or within a vehicle must be capable of withstanding the minimum performance criteria listed in 393.102. This includes considering forces and movement in any direction during both accident and normal transport conditions. 393.104(f) (3) also requires each tiedown to be attached and secured in a manner that prevents it from becoming loose, unfastening, opening or releasing while the vehicle is in transit. If this anchor point is not rated, then we would need to consider the working load limit (WLL) of the entire securement system to be zero because 393.108(a) states the WLL is the lowest rating of any of its components: tiedown, connector, attachment, tensioner, anchor point, etc.





**THE LATEST HAPPENINGS**

**IN THE FEDERAL REGISTER**

**FMCSA Revises CDL Guidance in 49 CFR**

On March 08, 2019 (84 FR 8464), the Federal Motor Carrier Safety Administration (FMCSA) published a notice requesting comments on the updated regulatory guidance in 49 CFR Parts 383 – 384 concerning the “Commercial Driver’s License Standards; Requirements and Penalties” and “State Compliance with Commercial Driver’s License Program” rules. FMCSA seeks comment specifically on the deletion of 47 FMCSA guidance statements because: 1. The rule is clear and further guidance is not needed; 2. The deleted guidance was unclear; 3. The deleted guidance is duplicative of other guidance statements; or 4. The guidance is obsolete due to rulemakings completed since the guidance was issued. In addition, other guidance statements were revised for clarity and reorganized so that like content is grouped together. While this guidance is effective immediately, FMCSA is also seeking comments on the revisions to this guidance regarding commercial driver’s license standards, requirements, and penalties and may issue additional changes if comments demonstrate a need. It is noted, however, that the Commercial Driver’s License (CDL) regulations are not amended. The updated guidance is effective on March 7, 2019. Comments must be received on or before May 7, 2019.

**DOT 2019 International Standards Public Meeting Schedule**

On March 28, 2019 (84 FR 11865), the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a notice about hosting four public meetings during 2019 in advance of certain international meetings. For each of these meetings, PHMSA will solicit public input on current proposals. The first meeting will be held in preparation to the International Civil Aviation Organization’s (ICAO) Dangerous Goods Panel (DGP) Working Group 19 meeting (WG/19) being held April 1–5, 2019, in Montreal, Canada. The second meeting will be held in preparation to the 55th session of the United Nations

Sub-Committee of Experts on the Transport of Dangerous Goods (UNSCOE TDG) being held July 1–5, 2019, in Geneva, Switzerland. The third meeting will be held in preparation to the 27th meeting of the ICAO DGP (DGP/27) being held September 9–20, 2019, in Montreal, Canada. Finally, the fourth meeting will be held in preparation to the 56th session of the UNSCOE TDG being held December 2–11, 2019, in Geneva, Switzerland. Each public meeting will take place approximately two weeks preceding the international meeting at DOT Headquarters, West Building, 1200 New Jersey Avenue SE, Washington, DC 20590-0001. Specific information for each meeting will be posted when available on the PHMSA website at <https://www.phmsa.dot.gov/international-program/international-program-overview> under “Upcoming Events.” This information will include the public meeting date, time, conference call-in number, and details for advanced registration.

**Comment Request: EPA Ignitability Test Method Update**

On April 02, 2019 (84 FR 12539), the Environmental Protection Agency (EPA) published a proposed rule requesting comments on updating the regulations for the identification of ignitable hazardous waste under the Resource Conservation and Recovery Act (RCRA) and to modernize the RCRA test methods that currently require the use of mercury thermometers. These proposed revisions in 40 CFR Parts 260, 261 and 266 would provide greater clarity to hazardous waste identification, provide flexibility in testing requirements, improve environmental compliance, and, thereby, enhance protection of human health and the environment. Comments must be received on or before June 3, 2019.

**NRC Issues RIS: Export Reporting Clarification**

On April 02, 2019 (84 FR 12483), the Nuclear Regulatory Commission (NRC) published a notice about issuing Regulatory Issue Summary (RIS) 2019-01, “Clarification of Export Reporting Requirements for Nuclear Facilities, Equipment, and Non-Nuclear Materials.” This RIS is intended to clarify the reporting requirements for certain exports of nuclear facilities, equipment, and non-nuclear materials. The NRC’s regulations state, in part, that licensees exporting nuclear facilities, equipment, and certain non-nuclear materials under a general or specific license during the previous quarter must submit reports by January 15, April 15, July 15, and October 15 of each year on DOC/NRC Forms AP-M or AP-13, and associated forms. The RIS includes information relating to this reporting requirement and clarifies that the quarterly reporting requirement is in addition to, and not obviated by, the separate NRC annual reporting requirement in its regulations. The RIS is available as of April 2, 2019.

**NRC Comment Request Package Leakage Tests**

On April 08, 2019 (84 FR 13969), the Nuclear Regulatory Commission (NRC) published a notice requesting public comment on draft regulatory guide (DG), DG-7010, “Leakage Tests on Packages for Shipment of Radioactive Material.” This proposed revision, Revision 2 to Regulatory Guide (RG) 7.4, endorses the methods and procedures developed by the Standards Committee on Packaging and Transportation of Radioactive and Nonnuclear Hazardous Materials (N14), Subcommittee of the American National Standards Institute (ANSI) in ANSI N14.5-2014, “American National Standard for Radioactive Materials - Leakage Tests on Packages for Shipment.” Submit comments by June 7, 2019. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given,



## THE LATEST HAPPENINGS

comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

### **NRC Requesting Comments IAEA**

#### **Harmonization**

On April 12, 2019 (84 FR 14898), the Nuclear Regulatory Commission (NRC) published a notice requesting comments on a draft revised regulatory basis to support a proposed rule that would harmonize the NRC's regulations with the safety requirements of the International Atomic Energy Agency (IAEA) for the transport of radioactive material and the regulations of the U.S. Department of Transportation (DOT). In addition, the proposed rule would make administrative, editorial, or clarification changes to the NRC's regulations. The NRC plans to hold a public meeting to discuss the draft regulatory basis and facilitate public participation. Submit comments by May 28, 2019. Comments received after this date will be considered if it is practical to do so; however, the NRC is only able to ensure consideration of comments received on or before this date.

### **FMCSA Issues Farm Load Securing**

#### **Exemption**

On April 15, 2019 (84 FR 15279), the Federal Motor Carrier Safety Administration (FMCSA) published a notice of final disposition granting a limited 5-year exemption to the Agricultural and Food Transporters Conference (AFTC) of American Trucking Associations (ATA) to allow certain alternate methods for the securement of agricultural commodities transported in wood and plastic boxes and bins and large fiberglass tubs, as well as hay, straw, and cotton bales that are grouped together into large singular units. FMCSA has determined that the use of certain alternate cargo securement methods will likely maintain a level of safety that is equivalent to, or greater than the level of safety achieved without the exemption. This conclusion is based on the results of a comprehensive test program conducted by FMCSA in collaboration with the

California Highway Patrol (CHP), the California Department of Food and Agriculture and the California Trucking Association. This exemption is effective April 15, 2019 and ending April 15, 2024.

### **Comment Request: EPA Alternate PCB Treat/Dispose Guidance**

On April 16, 2019 (84 FR 15612), the Environmental Protection Agency (EPA) published a notice requesting comments about submitting a new information collection request (ICR) for Guidance for Applicants Requesting to Treat/Dispose of PCBs Using Incineration or an Alternative Method (EPA ICR No. 2596.01, OMB Control No. 2050-NEW) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, the EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a request of a new collection. An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information, unless it displays a currently valid OMB control number. Comments must be submitted on or before June 17, 2019.

### **NRC Renewing 10 CFR Part 71 Package Info Request**

On April 23, 2019 (84 FR 16889), the Nuclear Regulatory Commission (NRC) published a request for public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information entitled, "Packaging and Transportation of Radioactive Material." The NRC collects information pertinent to 10 CFR Part 71 for three reasons: 1. To issue a package approval; 2. To ensure that any incidents or package degradation or defect are appropriately captured, evaluated and, if necessary, corrected to minimize future potential occurrences; and 3. To ensure that any incidents or package degradation or defect are appropriately captured, evaluated and, if necessary, corrected to minimize ensure that all activities are completed

## IN THE FEDERAL REGISTER

using an NRC approved quality assurance program. Please submit comments by June 24, 2019. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

### **DOT Minor Drug Testing Program Revisions**

On April 23, 2019 (84 FR 16770), the U.S. Department of Transportation (DOT) published a final rule making minor technical corrections to the Office of the Secretary of Transportation (OST) in 49 CFR 40, Federal Aviation Administration (FAA) in 14 CFR Part 120, Federal Transit Administration (FTA) in 49 CFR 655, and Pipeline and Hazardous Materials Safety Administration (PHMSA) in 49 CFR 199 governing drug testing for safety-sensitive employees to ensure consistency with the recent amendments made to the DOT's regulation, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs," which added requirements to test for oxycodone, oxymorphone, hydrocodone, and hydromorphone to DOT-regulated drug testing programs. The changes to the Department's regulation make it necessary to refer to these substances, as well as the previously covered drugs morphine, 6-acetylmorphine, and codeine, by the more inclusive term "opioids," rather than "opiates." This rule amends the term in the FAA, FTA and PHMSA regulations to ensure that all DOT drug testing rules are consistent with one another and with the Mandatory Guidelines for Federal Workplace Drug Testing Programs. In addition, this rule makes a conforming amendment to include the term "opioids" in the wording of the Department's annual information collection requirement and clarifications to section 40.26 and Appendix H regarding the requirement for employers to follow the Department's instructions for the annual information collection. This rule is effective on April 23, 2019.

### **FMCSA Renews and Revises Carrier ID Report**



## THE LATEST HAPPENINGS

On April 24, 2019 (84 FR 17232), the Federal Motor Carrier Safety Administration (FMCSA) published a notice requesting comment on its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. FMCSA requests renewal of an ICR titled, "Motor Carrier Identification Report," which is used to identify FMCSA regulated entities, help prioritize the agency's activities, aid in assessing the safety outcomes of those activities, and for statistical purposes. On April 26, 2016, OMB approved a revision to this collection. As a result of the revision, which is continued in this renewal, all entities needing to file registration and biennial update information to FMCSA will use Form MCS-150 or MCS-150B to submit their information. Form MCS-150 or MCS-150B will also be used by a small number of Mexico-domiciled carriers that seek authority to operate beyond the United States municipalities on the United States-Mexico border and their commercial zones. This ICR is necessary to ensure regulated entities are registered with the DOT. Please send your comments by May 24, 2019. OMB must receive your comments by this date in order to act quickly on the ICR.

### **EPA Asbestos Reuse Loophole Closed**

On April 25, 2019 (84 FR 17345), the Environmental Protection Agency (EPA) published a final rule to ensure that any discontinued uses of asbestos under the Toxic Substances Control Act (TSCA), cannot reenter the marketplace without EPA review, closing a loophole in the regulatory regime for asbestos in 40 CFR Parts 9 and 721. This final rule is effective June 24, 2019.

### **DOT Public Meeting Developing ERG 2020 Edition**

On May 07, 2019 (84 FR 19999), the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a notice of public meeting to solicit input on the development of the 2020 edition of the Emergency Response Guidebook (ERG2020). The meeting will take place on June

17, 2019, in Washington, DC. PHMSA developed the United States version of the Emergency Response Guidebook (ERG) for use by emergency services personnel to provide guidance for initial response to hazardous materials transportation incidents. Since 1980, it has been PHMSA's goal that all public emergency response personnel (e.g., fire-fighting, police, and rescue squads) have free and immediate access to the ERG. To date, PHMSA has distributed more than 14.5 million copies of the ERG to emergency service agencies and developed free online resources and downloadable mobile applications to make the ERG more accessible. Since 1996, PHMSA, Transport Canada, and the Secretariat of Communication and Transport of Mexico have collaborated in development of the ERG, with interested parties from government and industry providing additional assistance, including Argentina's Chemical Information Center for Emergencies (CIQUIME). ERG2020 will be published in English, French, and Spanish and will increase public safety by providing consistent emergency response procedures for hazardous materials transportation incidents throughout North America. During the meeting, PHMSA will respond to stakeholder requests for a public discussion of the methodology used to determine the appropriate response protective distances for poisonous vapors resulting from spills involving dangerous goods considered toxic by inhalation in the ERG2016 "Green Pages." To pursue our objective of continually improving the ERG, PHMSA will solicit comments related to new methodologies and considerations for future editions of the ERG. Additionally, the meeting will include discussions on the outcomes of field experiments, ongoing research efforts to better understand environmental effects on airborne toxic gas concentrations, and updates to be published in the ERG2020.

## IN THE FEDERAL REGISTER

### **NRC Renewing 10 CFR Part 30 Licensee Info Request**

On May 09, 2019 (84 FR 20440), the Nuclear Regulatory Commission (NRC) published a request for public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of entitled, "10 CFR part 30, Rules of General Applicability to Domestic Licensing of Byproduct Material." The NRC collects information from all persons applying for or holding a license to manufacture, produce, transfer, receive, acquire, own, possess, or use radioactive byproduct material. Required reports are collected and evaluated on a continuing basis as events occur. There is a one time submittal of information to receive a license. Renewal applications are submitted every 15 years. Information submitted in previous applications may be referenced without being resubmitted. In addition, recordkeeping must be performed on an on-going basis. Submit comments by July 8, 2019. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

### **NRC Issues NUREG-1556 Volume 13 Revision 2**

On May 09, 2019 (84 FR 20438), the Nuclear Regulatory Commission (NRC) published a notice about issuing Revision 2 to NUREG-1556, Volume 13, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Commercial Radiopharmacy Licenses." Volume 13 of NUREG-1556 has been revised to include information on updated regulatory requirements, safety culture, security of radioactive materials, protection of sensitive information, and changes in regulatory policies and practices consistent with current regulations. This volume is intended for use by applicants, licensees, and the NRC staff. NUREG-1556 Volume 13 Revision 2 was published in March 2019.



## THE LATEST HAPPENINGS

### **EPA June e-Manifest Public Meeting**

On May 10, 2019 (84 FR 20626), the Environmental Protection Agency (EPA) published a notice of public meeting. The EPA will convene the Hazardous Waste Electronic System ("e-Manifest") Advisory Board for a three (3) day public meeting to seek the Board's consultation and recommendations regarding the e-Manifest system (Meeting Theme: "Increasing Adoption of the e-Manifest System"). The meeting will be held on June 18-20, 2019, from approximately 9:00 a.m. to 5:00 p.m. EDT. This meeting may be webcast. Please refer to the e-Manifest website at [www.epa.gov/e-manifest](http://www.epa.gov/e-manifest) for information on how to access the webcast. The EPA encourages written comments be submitted on or before June 4, 2019, and requests for oral comments to be submitted on or before June 11, 2019. Written comments and requests to make oral comments may be submitted up until the date of the meeting; however, anyone submitting written comments or requests for oral comments after June 11, 2019, should contact the Designated Federal Officer (DFO).

### **DOT Renewing HMR Info Comment Request**

On May 10, 2019 (84 FR 20699), the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a notice requesting comment to continue collecting information for the following hazardous material activities: 1. Radioactive (RAM) Transportation Requirements; 2. Hazardous Materials Public Sector Training and Planning Grants; and 3. Subsidiary Hazard Class and Number/Type of Packagings. Information collection requirements for RAM include: Documenting testing and engineering evaluations for packages, documentation for DOT 7A packages, revalidation of foreign competent authority certifications, providing specific written instruction of exclusive use shipment controls, providing written instructions for exclusive use shipment controls, obtaining U.S. competent authority for package design, registering with U.S. competent authority as user of a package, and request for a U.S. competent authority for special form. 49 CFR

part 110 sets forth the procedures for reimbursable grants for planning and training in support of the emergency preparedness efforts of States, Indian tribes, and local communities to manage hazardous materials emergencies, particularly those involving transportation. Sections in this part address information collection and record-keeping with regard to applying for grants, monitoring expenditures, and reporting and requesting modifications. The HMR require that shipping papers and emergency response information accompany each shipment of hazardous materials in commerce. In addition to the basic shipping description information, PHMSA also requires the subsidiary hazard class or subsidiary division number(s) to be entered in parentheses following the primary hazard class or division number on shipping papers for purposes of enhancing safety and international harmonization. This also helps motor carriers with regard to complying with segregation, separation, and placarding requirements. Interested persons are invited to submit comments on, or before June 10, 2019.

### **FMCSA CMV Interstate Drivers Under 21 Pilot Program**

On May 15, 2019 (84 FR 21895), the Federal Motor Carrier Safety Administration (FMCSA) published a notice requesting comment on a possible pilot program to allow non-military drivers aged 18, 19 and 20 to operate CMVs in interstate commerce. FMCSA requests comments on the training, qualifications, driving limitations, and vehicle safety systems that FMCSA should consider in developing options or approaches for a second pilot program for younger drivers. Drivers 18, 19 and 20 years old may currently operate commercial motor vehicles (CMVs) in intrastate commerce, but not interstate commerce. Comments must be received on or before July 15, 2019.

## IN THE FEDERAL REGISTER

### **FRA Moving Civil Penalties Schedules to Website**

On May 23, 2019 (84 FR 23730), the Federal Railroad Administration (FRA) published a final rule to eliminate unnecessary costs and improve public access by removing its civil penalties schedules and guidelines from the Code of Federal Regulations (CFR) and publishing them on the FRA website. Since 1988, FRA has included the civil penalties schedules or guidelines as an appendix in the corresponding 49 CFR Parts 200 - 299. These guidelines are not regulations nor are they subject to notice and comment requirements. They are merely policy statements that do not bind FRA. Instead, FRA retains full discretion to assess civil penalties for violations that are between the minimum and maximum amounts authorized by statute and adjusted for inflation. Yet, their place in the CFR has necessitated that any changes to them, including adjustments for inflation required by federal law, be published in the Federal Register. This final rule is effective May 23, 2019.

### **FMCSA Requests Comments on Automated CMVs**

On May 28, 2019 (84 FR 24449), the Federal Motor Carrier Safety Administration (FMCSA) published an Advanced Notice of Proposed Rulemaking (ANPRM) requesting public comment about Federal Motor Carrier Safety Regulations (FMCSRs) that may need to be amended, revised or eliminated to facilitate the safe introduction of automated driving systems (ADS) equipped commercial motor vehicles (CMVs) onto our Nation's roadways. In approaching the task of adapting the FMCSRs in 49 CFR Parts 300 -399 to accommodate automated vehicle technologies, FMCSA is considering changes to its rules to account for significant differences between human operators and ADS. The original published comment period ended on or before August 26, 2019. On May 31, 2019 (84 FR 25229), FMCSA revised the comment period to end on or before July 29, 2019.

# 2019 COMMERCIAL TRAINING SCHEDULE

## Radioactive Class 7 Material Packaging, Transportation & Disposal Regulatory Compliance Courses

*All DOT/NRC training courses meet the requirements of 49 CFR Part 172 Subpart H and NRC IE Notice 79-19*

COURSE	DATE	CEU**	TUITION	LOCATION
DOT/NRC Radioactive Waste Packaging, Transportation & Disposal	June 3 - 6	40	\$1,895	San Diego, CA
Air Transport of Radioactive Materials (IATA/DOT)	June 7	8	\$945*	San Diego, CA
DOT/NRC/EPA Hazardous Waste/Mixed Waste Packaging, Transportation & Disposal	July 15 - 19	40	\$1,995	Clinton, TN
Bear Creek Operations (BCO) Facility Tour	July 18	—	\$0	Clinton, TN
DOT/NRC Radioactive Waste Packaging, Transportation & Disposal	July 29 - August 1	40	\$1,895	Orlando, FL
Air Transport of Radioactive Materials (IATA/DOT)	Aug 2	8	\$945*	Orlando, FL
DOT/NRC Radioactive Waste Packaging, Transportation & Disposal	October 21 - 24	40	\$1,895	Hilton Head, SC
Air Transport of Radioactive Materials (IATA/DOT)	October 25	8	\$945*	Hilton Head, SC
DOT/NRC/EPA Hazardous Waste/Mixed Waste Packaging, Transportation & Disposal	November 4 - 8	40	\$1,995	Clinton, TN
Bear Creek Operations (BCO) Facility Tour	November 7	—	\$0	Clinton, TN
DOT/NRC Radioactive Waste Packaging, Transportation & Disposal	December 2 - 5	40	\$1,895	Henderson, NV
Air Transport of Radioactive Materials (IATA/DOT)	December 6	8	\$945*	Henderson, NV

*\* If an IATA class is taken in conjunction with the DOT/NRC class during the same week, there is a \$200 multi-class discount*

*\*\* The American Academy of Health Physics (AAHP) has pre-approved continuation education credit hours for these courses*

