

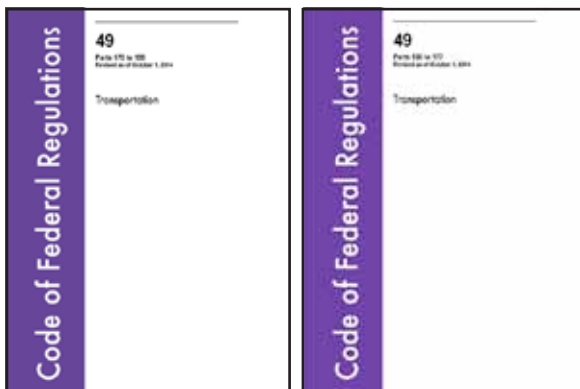


### IATA Publishes Second Addendum for 56th DGR

The International Air Transport Association (IATA) published another addendum to the Dangerous Goods Regulations 56th edition (2015 DGR) on 04 May 2015. These miscellaneous amendments are effective 01 January 2015. There are numerous updates to both State and operator variations, including changes for air transport of radioactive material, lithium batteries and electronic cigarettes. The addendum may be downloaded from the following link: [IATA DGR 56th Addendum2 English](#)

reported on the uniform waste manifest when the radionuclide is present at a concentration less than the lower limit of detection (LLD). The reason for noting this option is to accurately report the activities of these radionuclides and help prevent overestimation of disposal site inventory. Indirect methods mentioned in this RIS are the use of scaling factors, material accountability, and computer codes. Currently, the instructions for completing the uniform manifest (NUREG/BR-0204) do not include these options for reporting the inventory of H-3, C-14, Tc-99, and I-129. Licensees may voluntarily begin using the indirect methods described in this RIS.

### GPO Printing New Edition of 49 CFR



The Government Publishing Office (GPO) now has the 2014 edition of 49 CFR available in both PDF for download and print for purchase.

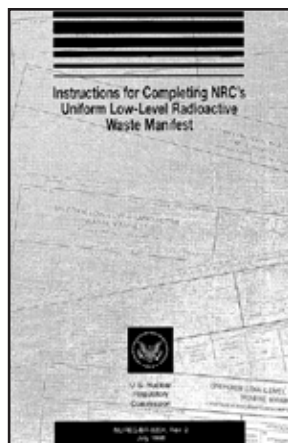


### NRC Clarifies Security Incident Reporting

The U.S. Nuclear Regulatory Commission (NRC) issued a new Regulatory Issue Summary (RIS 2015-03) to inform licensees of the requirements regarding identifying and reporting security incidents, including suspicious activity, involving Category 1 or Category 2 quantities of radioactive material under 10 CFR Part 37; when and how to report those matters; and to make recipients aware of the Protected Web Server (PWS) database used to track reports of suspicious activity. The NRC reviews individual notifications of suspicious activities to evaluate whether potential preoperational activities (i.e. multiple events at a single site or multiple events at multiple sites) may be part of a larger plan, and integrates this information with other agencies in the homeland security and intelligence communities. This has the potential to prevent or stop malicious activity at licensee facilities.

### New Reporting Option on the NRC Uniform Waste Manifest

The U.S. Nuclear Regulatory Commission (NRC) issued a new regulatory issue summary (RIS 2015-02) to inform all licensees, certificate holders and applicants of the option to use indirect methods to determine the activity of Tritium (H-3), Carbon-14 (C-14), Technetium-99 (Tc-99), and Iodine-129 (I-129)



### Exemptions To The Rule

Are the rules in the FMCSA set in stone? Not necessarily. Applications for exemptions to the rules can be made and the Agency may grant exemptions to the rules for

(Continued on page 2)

a two year period as long as it finds “such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.” (49 U.S.C. 31136(e) and 31315(b)). Recently, those codes were used by six CMV drivers who applied for, and were granted, exemptions from the regulatory requirement that interstate CMV drivers have “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV” (see 391.41(b)(8)). While using anti-seizure medications, these six individuals had no occurrence of seizures or unconsciousness or any other loss of ability to control a CMV while taking anti-seizure medications for a period of time and were therefore given two year exemptions to the rule.

Requesting exemptions to the FMCSR is a way for a driver or motor carrier to ask the FMCSA to review individual cases for an exemption. Upon review of the aforementioned applications, the FMCSA decided that at a minimum a level of safety equivalent to the existing rule existed and ruled in favor of these six drivers. It should be noted that a seventh application for the same exemption was not granted an exemption.

[Federal Register Volume 80, Number 62 (Wednesday, April 1, 2015)]  
[Notices]  
[Pages 17542-17545]  
From the Federal Register Online via the Government Printing Office  
[www.gpo.gov]  
[FR Doc No: 2015-07351]

**Certification of Specification Packaging**

Who is responsible to ensure the Type A packaging information requirements in either 49 CFR 178.3 or 178.350 are met? In a DOT letter of interpretation (03-1060) dated August 14, 2013, it states whoever certifies the package to meet the applicable packaging requirements must mark the packaging showing the DOT specification “USA DOT 7A Type A” per 178.350 and “Name and Address” of the person who is certifying the packaging per 178.3. This could be either the manufacturer or the offeror. If the packaging manufacturer does not mark the packaging with all the required Part 178 marking(s), then it is up to the end user to mark the packaging per 173.22. Shippers have the

ultimate responsibility to verify compliance with all the Part 178 markings. If either marking is missing or is not of adequate size per 178.3, then it is up to the shipper bring the packaging into full compliance. This may require the shipper to apply their “Name and Address” as the certifying person. Here are two (2) pictures with manufacturer information plate examples. One picture has the manufacturer’s name and address, the other does not.



**Recent Industry Issues**



Time to reconsider all we must do to ensure our orange panels survive the harsh conditions during transport. Do you purchase from a high quality manufacturer? How clean is the package surface before applying the markings? Will spray glue help? Or clear packing tape? Should you give the transporter extra orange panels to replace these damaged ones? Remember your package markings are required to be durable and visible as specified in 49 CFR Part 172 Subpart D.

## Frequently Asked Questions

Our FAQ topic for this quarter looks at the upcoming revisions in 49 CFR from HM-215, the final rule published January 8, 2015 with voluntary compliance starting January 1, 2015 and a delayed compliance date of January 1, 2016. The main focus of this final rule was to harmonize with recent changes in the international regulations, including IAEA's revision from TS-R-1 to SSR-6.

**\* Are there any changes in the definition of "exclusive use"?**

[Reference # 80 FR 1102 & 1162 \(173.403\)](#)

Yes, "exclusive use" control is now only allowed when required by 49 CFR and includes control over the shipment

**\* What changed in the definition of a "small freight container"?**

[Reference # 80 FR 1102 & 1162 \(173.403\)](#)

The requirement of one outer dimension less than 1.5m (4.9 ft) has been removed.

**\* Were any new definitions added to 49 CFR?**

[Reference # 80 FR 1080 & 1116 \(171.8\)](#)

Yes, "Absorbed gas," "Bundle of cylinders," "Large salvage packaging," "Neutron radiation detector," "Radiation detection system," and a new part to "Non-bulk packaging" has been included.

**\* Did DOT fix any issues with the HM-250 final rule?**

[Reference # 80 FR 1102 & 1163 \(173.466\)](#)

Yes, paragraphs (a)(1) & (a)(2) in 49 CFR 173.466 "Additional tests for Type A packagings designed for liquids and gases" were inadvertently left out in HM-250 and have been reinstated as outlined in HM-215.

**\* Do neutron detection systems containing boron trifluoride gas have extra requirements?**

[Reference # 80 FR 1094 & 1146 \(172.102\)](#)

Yes, please review the newly revised Special Provision # 238 to ensure the detector, equipment and package

meet the enhanced requirements concerning the hazards present with boron trifluoride gas.

To access any Federal Register, go to: [Browse the FR Collection](#) Then, start your search by selecting the year, then the month, then the day of publication. All federal agencies publishing that day will be listed along with their respective documents to view.

## Recent Industry Issues (cont.)



Did the shipper do everything to make sure the package closure equipment did not loosen during transport? Were the threads clean? Was appropriate torque applied? Did they use the right washers, nuts and/or bolts? Could the driver have caught this during their regular inspections? For radioactive material, there are two references to support tight closure systems in 49 CFR located in 173.24(f) and 173.410(f).

## Latest Happenings in the Federal Register

### NRC Removes SGI-M for Category 1 Radioactive Material

On January 26, 2015 (80 FR 3865), the Nuclear Regulatory Commission (NRC) published a direct final rule confirming the effective date of January 28, 2015, for the direct final rule that was published in the Federal Register on September 30, 2014 (79 FR 58664), which amended the NRC's regulations in 10 CFR Parts 30, 37, 73 and 150 by removing the Safeguards Information—Modified Handling (SGI-M) designation for certain security related information (this includes Category 1 Radioactive Material). The NRC is also announcing the availability of implementation guidance for the direct final rule (Revision 1 of NUREG-2155), and correcting the "Compatibility Table for Direct Final Rule" appearing in Section V, "Compatibility of Agreement State Regulations," of the direct final rule. The effective date of January 28, 2015, for the direct final rule published September 30, 2014, is confirmed. The correction of the "Compatibility Table for Direct Final Rule" is effective January 26, 2015.

### NRC Revises 1995 BTP

On February 25, 2015 (80 FR 10165), the NRC published a notice issuing Revision 1 (ML12254B065) of the Branch Technical Position on Concentration Averaging and Encapsulation (CA BTP). Volume 1 of this guidance provides acceptable methods that can be used to perform concentration averaging of low-level radioactive waste (LLW) for the purpose of determining its waste class for disposal. The previous version of the CA BTP was published in 1995 (dated January 17, 1995). Detailed responses to each of the public comments are available in Volume 2 of the revised CA BTP (ML12326A611). Appendix B of Volume 1 of the revised CA BTP has a more complete list of changes. Both volumes are available by searching on the NRC ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>.

### NRC Requests Comment on Updated LLW Tasks

On March 13, 2015 (80 FR 13451), the NRC published a notice requesting comment on a draft list of prioritized low-level radioactive waste (LLW) tasks based upon

the assessment updates to the strategic assessment (now called a programmatic assessment) performed in 2007. The objective of this updated assessment remains the same as the 2007 assessment; that is, to identify and prioritize tasks that the NRC staff can undertake to ensure a stable, reliable, and adaptable regulatory framework for effective LLW management, while also considering future needs and changes that may occur in the nation's commercial LLW management system. The NRC is requesting any views on possible unintended consequences of finalizing the proposed task list and any tasks that commenters feel the NRC did not adequately consider. Comments received after April 13, 2015 will be considered if it is practical to do so.

### DOT Explains Air Transport Exception

On March 30, 2015 (80 FR 16579), the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a Notification of a More Definitive Statement regarding the carriage of spare fuel cell cartridges in passenger and crew member checked baggage. This is in response to a contest on PHMSA's final rule published January 19, 2011 (76 FR 3308) revising the passenger exceptions listed in 49 CFR 175.10.

### Recent Industry Issues (cont.)



Just when you think you have seen it all, a shipment arrives with labels placed on a white surface and in a placard holder. Should the labels be obscured by anything on the package? Are there visibility requirements outlined in 49 CFR 172.406(f)? When labels are placed on a non-contrasting background, do they require a solid or dotted outer border as noted in 49 CFR 172.406(d)? Ensure your labels meet all the specifications listed in 49 CFR Part 172 Subpart E.

## ***Latest Happenings in the Federal Register (cont.)***

### **NRC Requests Comment on LLRW Disposal**

On March 26, 2015 (80 FR 15930 & 16082), the NRC published two (2) notices requesting comment on both the draft NUREG-2175 "Guidance for Conducting Technical Analyses for 10 CFR part 61" and a notice of proposed rulemaking (NPRM) amending 10 CFR Parts 20 and 61 that govern low level radioactive waste (LLRW) disposal facilities. These amendments will allow site-specific technical analyses, permit the development of site-specific criteria for LLRW acceptance based on the results of these analyses, and facilitate implementation and better align the requirements with current health and safety standards. Please submit comments on either by July 24, 2015.

### **New EPA Regulations for Coal Combustion Residuals Disposal**

On April 17, 2015 (80 FR 21302), the Environmental Protection Agency (EPA) published a final ruling to regulate the disposal of coal combustion residuals (CCR) as solid waste under subtitle D of the Resource Conservation and Recovery Act (RCRA). The available information demonstrates that the risks posed to human health and the environment by certain CCR management units warrant regulatory controls. EPA is finalizing national minimum criteria for existing and new CCR landfills and existing and new CCR surface impoundments and all lateral expansions consisting of location restrictions, design and operating criteria, groundwater monitoring and corrective action, closure requirements and post closure care, and recordkeeping, notification, and internet posting requirements. This final rule is effective on October 14, 2015.

### **NRC Update on SNM Security Changes**

On April 22, 2015 (80 FR 22434), the NRC published a notice announcing the availability of a regulatory basis document to support a rulemaking potentially amending portions of 10 CFR Part 73 concerning the security of special nuclear material (SNM). The NRC is not seeking public comments on this document at this time. The regulatory basis is available in ADAMS under Accession No. ML14321A007 or on the Federal rulemaking Web site, [www.regulations.gov](http://www.regulations.gov), under Docket ID NRC-2014-0118.

### **Rail Accident Information Safety Advisory**

On April 23, 2015 (80 FR 22778), the PHMSA and the Federal Railroad Administration (FRA) published a joint safety advisory to remind railroads operating a "high hazard flammable train" (HHFT) - defined as a train comprised of 20 or more loaded tank cars of a Class 3 flammable liquid in a continuous block, or a train with 35 or more loaded tank cars of a Class 3 flammable liquid across the entire train - as well as the offerors of Class 3 flammable liquids transported on such trains, that certain information may be required by PHMSA and/or FRA during the course of an investigation immediately following an accident.

### **Accurate ER Information Reminder**

On April 23, 2015 (80 FR 22781), the PHMSA published a notice to remind hazardous materials shippers and carriers of their responsibility to ensure that current, accurate and timely emergency response (ER) information is immediately available to emergency response officials for shipments of hazardous materials, and such information is maintained on a regular basis. PHMSA wants to emphasize the importance for carriers and first responders to have first-hand, up-to-date, technical and emergency response information for hazardous materials to minimize the consequences and protect property and life where possible in the event of emergency incidents.

### **FMCSA Updates National HM Route Registry**

On April 29, 2015 (80 FR 23860), the Federal Motor Carrier Safety Administration (FMCSA) published a notice providing the current National Hazardous Materials Route Registry (NHMRR), which is a listing, as reported by State and Tribal Government routing officials, of all designated and restricted road and highway routes for transportation of highway route controlled quantities (HRCQ) of Class 7 (radioactive) materials and nonradioactive hazardous materials (NRHMs) transportation. The listing in this notice supersedes the NHMRR published on July 14, 2014, and includes current route limitations and allowances, and information on State and Tribal Government routing agency contacts reported to FMCSA as of March 30, 2015. This updated NHMRR listing is effective April 29, 2015.

## ***Latest Happenings in the Federal Register (cont.)***

### **HHS Publishes Two Important Rulings**

The Federal Register, the Department of Health and Human Services (HHS) published two important notices recently. Specifically, the HHS:

- Proposes to establish scientific and technical guidelines for the inclusion of oral fluid specimens in the Mandatory Guidelines for Federal Workplace Drug Testing Programs, and
- Proposes to revise the Mandatory Guidelines for Federal Workplace Drug Testing Programs for urine testing.

Because the Department of Transportation (DOT) must follow the scientific guidelines of the HHS for DOT-regulated drug testing laboratory procedures, participants in the DOT transportation industry drug testing program should be aware of the important issues that HHS is considering. Any final rule issued by the HHS regarding these proposals will be taken into consideration and may affect the DOT testing program under 49 CFR Part 40, but only after the DOT conducts its own rulemaking.

DOT - Office of Drug & Alcohol Policy & Compliance believes that employers, employees, and testing service providers involved in the DOT testing program should be aware of the HHS Federal Register documents. Further, DOT recommends that DOT program participants review the HHS proposals and, if they have views or concerns to express, provide comment to the HHS.

We urge interested persons to read the HHS documents carefully and to provide any comments directly to the HHS Docket. The HHS documents can be viewed at:

- Proposed Mandatory Guidelines for Oral Fluid Testing in the Federal Workplace Drug Testing Programs (<http://www.gpo.gov/fdsys/pkg/FR-2015-05-15/pdf/2015-11523.pdf>)
- Proposed Revised Mandatory Guidelines for Urine Testing in the Federal Workplace Drug Testing Programs (<http://www.gpo.gov/fdsys/pkg/FR-2015-05-15/pdf/2015-11524.pdf>)

### **DOT Issues Cylinder Safety Advisory**

On April 29, 2015 (80 FR 23851), the PHMSA published a safety advisory notice to notify the public that Liberty Industrial Gases and Welding Supplies Inc., located at 600 Smith Street, Brooklyn, NY 11231, marked ICC, DOT-Specification and DOT-Special Permit high pressure compressed gas cylinders from April 1986 through October 2014 as authorized for hazardous materials transportation without properly testing the cylinders and without authorization to do so. These cylinders should be considered unsafe and not authorized for the filling of hazardous materials.

### **New Rules for High-Hazard Flammable Trains**

On May 08, 2015 (80 FR 26644), the PHMSA in coordination with the FRA published a final rule adopting requirements designed to reduce the consequences and, in some instances, reduce the probability of accidents involving trains transporting large quantities of flammable liquids. This final rule defines "high-hazard flammable trains" (HHFT) and regulates their operation in terms of speed restrictions, braking systems, and routing. The final rule also adopts safety improvements in tank car design standards, a sampling and classification program for unrefined petroleum-based products, and notification requirements. This final rule is effective July 7, 2015.

### **New Office and Training Location in Utah**

Our DOT/NRC/EPA Hazardous Waste/Mixed Waste Packaging, Transportation and Disposal class scheduled for July 14 – 17, 2015

has been relocated at our new Stansbury Park office (between Interstate 80 and Tooele). The address is 500 Village Blvd., Suite 110, Stansbury Park UT 84074. The relocation is due to our Salt Lake City corporate office move. Please make note of this change before making your travel reservations for this wonderful class. Hotels are available near the Salt Lake City airport (SLC) and in the Tooele/Stansbury Park area. See you there!



### June - August 2015 Training Schedule

Course	Date	Location
Advanced Mixed Waste Shipper Certification Training	June 1-4, 2015	Las Vegas, NV
Federal Motor Carrier Safety Regulations for Drivers	June 2, 2015	Richland, WA
Load Securement for Drivers and Traffic Personnel	June 3, 2015	Richland, WA
Hazardous Material General Awareness Transportation Training	June 4, 2015	Richland, WA
Basic Level Transportation Training – Module 1 – Basic Hazardous Material	June 8-9, 2015	Las Vegas, NV
Basic Level Transportation Training – Module 2 – Basic Hazardous Waste	June 10, 2015	Las Vegas, NV
Basic Level Transportation Training – Module 3 – Basic Radioactive Material	June 10-11, 2015	Las Vegas, NV
<b>*Attend all three modules consecutively for \$1,495.00 (savings of \$575.00)</b>		
General Packaging Requirements for the Transport of Hazmat	June 16, 2015	Richland, WA
Radioactive Material Packaging Training	June 17, 2015	Richland, WA
Hazardous Material General Awareness Transportation Training	June 18, 2015	Richland, WA
Advanced Hazardous Material Shipper Certification Training	June 23-24, 2015	Richland, WA
Federal Motor Carrier Safety Regulations for Managers & Supervisors	June 23-24, 2015	Richland, WA
Reasonable Suspicion Training for Supervisors	June 25, 2015	Richland, WA
HM-250 / HM-215M Regulatory Update Training	June 25, 2015	Las Vegas, NV
Basic Level Transportation Training – Module 1 – Basic Hazardous Material	July 6-7, 2015, 2015	Richland, WA
Basic Level Transportation Training – Module 2 – Basic Hazardous Waste	July 8, 2015	Richland, WA
Basic Level Transportation Training – Module 3 – Basic Radioactive Material	July 8-9, 2015	Richland, WA
<b>*Attend all three modules consecutively for \$1,495.00 (savings of \$575.00)</b>		
Hazardous Material General Awareness Transportation Training	July 7, 2015	Richland, WA
Load Securement for Drivers and Traffic Personnel	July 8, 2015	Richland, WA
Federal Motor Carrier Safety Regulations for Drivers	July 9, 2015	Richland, WA
Advanced Hazardous Waste Shipper Certification Training	July 14-16, 2015	Richland, WA
IATA: Transportation of Dangerous Goods by Air Shipper Certification Training	July 14-16, 2015	Las Vegas, NV
DOT/NRC/EPA Hazardous Waste/Mixed Waste Packaging, Transportation and Disposal	July 14-17, 2015	Salt Lake City, UT
Advanced Mixed Waste Shipper Certification Training	July 20-23, 2015	Richland, WA
Basic Level Transportation Training – Module 1 – Basic Hazardous Material	July 20-21, 2015	Albuquerque, NM
Basic Level Transportation Training – Module 2 – Basic Hazardous Waste	July 22, 2015	Albuquerque, NM
Basic Level Transportation Training – Module 3 – Basic Radioactive Material	July 22-23, 2015	Albuquerque, NM
<b>*Attend all three modules consecutively for \$1,495.00 (savings of \$575.00)</b>		
DOT/NRC Radioactive Waste Packaging, Transportation and Disposal Training	July 28-31, 2015	Orlando, FL
Hazardous Material General Awareness Transportation Training	July 29, 2015	Richland, WA
Federal Motor Carrier Safety Regulations for Drivers	August 4, 2015	Richland, WA
Advanced Hazardous Material Shipper Certification Training	August 4-5, 2015	Las Vegas, NV
Load Securement for Drivers and Traffic Personnel	August 5, 2015	Richland, WA
Hazardous Materials Drivers Training	August 6, 2015	Richland, WA
Explosives Training for Shippers	August 6, 2015	Las Vegas, NV
Hazardous Material General Awareness Transportation Training	August 11, 2015	Richland, WA
Highway Route Control Quantity (HRCQ)	August 12, 2015	Richland, WA
Advanced Hazardous Material Shipper Certification Training	August 18-19, 2015	Richland, WA
Explosives Training for Shippers	August 20, 2015	Richland, WA
Advanced Hazardous Material Shipper Certification Training	August 25-26, 2015	Albuquerque, NM
Explosives Training for Shippers	August 27, 2015	Albuquerque, NM