

Q2 2023

LEARN & LEAD

KEEPING YOU INFORMED OF REGULATORY CHANGES AND UPDATES IN THE TRANSPORTATION INDUSTRY

Is Load Securing Still Relevant?

How important is load securement? If you ask Robin Abel, she says, "Secure your load as if everyone you love is driving in the car behind you" on her website www.secureyourload.com Robin almost lost her daughter in 2004 due to an unsecured heavy object flying into their car. She has joined forces with Paul Reif, who lost his son in 2010, to create a national campaign to remind us of the importance to secure our loads in our personal vehicle and commercial motor vehicles. Their website is full of background information, promotional materials, state by state stats to help us understand the impact of unsecured loads can have to our community. Each year they host a "National Secure Your Load Day" and for 2023, it was June 6th. This day is set aside each year to remember those injured or killed because of unsecured loads and to increase public awareness of the issue.

Robin has also published a book *Out of Nowhere* describing her journey



photo credit: U.S. Cargo Control

from tragedy to advocacy. Please take a moment to visit the Secure Your Load website and learn what you can do

both at home and at work to secure all loads and prevent future tragedy in someone's life.

NEWS TEAM

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Important Dates to Remember

- January 01, 2023** — IATA competency-based assessments due
- January 26, 2023** — LSA-II proper shipping name fixed on e-CFR
- January 01, 2024** — IMDG Code 41-22 Amendment mandatory compliance
- January 01, 2025** — Begin using updated IATA Shipper's Declaration Forms

NRC Advanced Notification Designee List Updated

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 **May 02, 2023**. *Please note:* The NRC is now listing any additions and revisions in a **red** font. Download the latest list of States, Territories and Participating Tribes designees from the NRC website at <https://scp.nrc.gov/special/designee.pdf>.

Meet Our Newest Instructor



We are pleased to announce Donnie James has joined EnergySolutions Training Services in May of 2023. He brings 13 years of commercial Radioactive Material and Radioactive Waste shipping, learning, and experience—plus one year of experience as a commercial nuclear instructor. This was preceded by 20 years of training and operating experience in the Naval Nuclear Power Program.

Donnie has earned a Bachelor of Science degree in Nuclear Engineering Technology from Excelsior and has completed the NanTel Instructor Training Certification. He will be assisting James Leonard with the development and presentation of EnergySolutions classroom and web-based training transportation and safety courses, as well as achieving and maintaining broker qualifications.

You can contact Donnie at his Louisiana home office at (269) 270-8688 CST or email at dljames@energysolutions.com.

IATA 64th Edition DGR 2nd Addendum

The International Air Transport Association (IATA) published their second Addendum to the 64th edition (2023) of the Dangerous Goods Regulations (DGR) on March 31, 2023. This addendum is effective starting January 01, 2023, and includes new and revised operator variations in Section 2.8.4. Plus, a few corrections to Section 2.3.5.8 Portable Electronic

Devices (PED) (Including Medical Devices) Containing Batteries and Spare Batteries (for lithium batteries) and Section 5 Packing instruction 952 (for lithium batteries). Download the addendums in the language of your choice at: <https://www.iata.org/en/programs/cargo/dgr/download> for more details.

EPA e-Manifest System Remote Signature

The Environmental Protection Agency (EPA) has updated their Hazardous Waste Electronic Manifest (e-Manifest) System policy to allow generators, transporters, and receiving facilities to execute electronic signatures through their employees or contractors who are located remotely from the hazardous waste shipment. This policy went into effect as of February 10, 2023. The e-Manifest Advisory Board advised the EPA to allow Site Managers and Dispatchers to execute electronic signatures for field personnel responsible for the hazardous waste shipment for the purpose to help promote the increased use of electronic manifests in the e-Manifest System. A Remote Signer is a registered RCRAInfo user with sufficient permissions to sign electronic manifests who is remotely located from the waste shipment. Under this policy, EPA is allowing Remote Signers to execute electronic signatures for field personnel, employees and contractors, associated with the same facility/transporter and which have first-hand knowledge of the hazardous waste shipment's status. Remote Signers can execute electronic signatures in the e-Manifest system through one of the following two methods: (1) electronically signing manifests with remote personnel



through the e-Manifest user interface; and (2) electronically signing using system-to-system communication. This policy change provides a flexible method for generators, transporters, and receiving facilities to participate in the electronic manifesting workflow while utilizing existing industry waste management systems. For more information on this policy change and instructions on how to remotely sign, please visit the EPA's e-Manifest website: <https://www.epa.gov/e-manifest/e-manifest-rulemakings-and-policies>.



Seasonal Safety

Summer is here, along with the heat. Be prepared by drinking plenty of healthy fluids to stay hydrated and by planning rest areas with shade. Also, know the signs for heat exhaustion and heat stroke to save your or the life of another. Like a wise person once said, "We usually do not plan to fail, but fail to plan." Take a minute to plan and prepare for success when it comes to surviving heat related illnesses. Review your First Aid knowledge and have any needed supplies for your summertime adventures. Be safe and healthy for you and your friends and family!

U.S. Federal Rulemaking Process Overview

Do you ever wonder how the U.S. federal government comes up with final rulings which change a federal agency's regulations, guidance policies, etc? Well, there is now a road map available from ICF International Inc. outlining the major steps on how the federal rulemaking process works at <https://www.icf.com/insights/public-policy/reg-map>. ICF's Reg Map® can be downloaded or request a complimentary 2ft x2ft poster. It shows an overview from the first step, when a federal agency determines a change needs to be made to the last step, which is the final rule publication in the Federal Register. More information on the Federal Register (FR) is available on their website: <https://www.federalregister.gov>, which features many Reader Aids like: Office of the Federal Register Blog; Using FederalRegister.Gov; Understanding the Federal Register; Recent Site Updates; Federal Register & CFR Statistics; Videos & Tutorials; Developer Resources; Government Policy and OFR Procedures; and Congressional Review. To stay up-to-date on all the FR publications, you can easily subscribe to receive the Table of Contents of each day's issue in an email or RSS notification; or to the documents in any of the FR's News Sections; or to a particular agency's documents from their Agency page; or to a particular subject from the Topics pages. Create a MyFR account to manage your subscriptions and other FR content.

Lost Radioactive Material During Transport

Does radioactive material ever get lost during transport? Unfortunately, the answer is 'yes' according to many sources (pun intended). One source is the U.S. Nuclear Regulatory Commission (NRC) Event Notification Reports. The NRC event home webpage <https://www.nrc.gov/reading-rm/doc-collections/event-status/event/index.html> is where you can search for all reports on "lost" sources. One example is Event Number 56568 which states on 6/8/2023, a licensee was transporting a Troxler Model 3440 moisture density gauge containing 40 mCi of Am-241/Be and 8 mCi of Cs-137 and it fell out of the truck because the truck bed door was down. NRC requires proper load securing and dual containment in 10 CFR for mobile equipment containing licensed sources. The Nuclear Threat Initiative (NTI) also lists lost radioactive sources from The CNS Global Incidents and Trafficking Database and can be found at <https://www.nti.org/analysis/articles/overview-of-the-cns-global-incidents-and-trafficking-database>. A recent 2023 incident on their list was in Australia which a Cesium-137 source was lost and found after a 6-day search on the side of



An orphaned radioactive source
(Photo: PNRI and IAEA)

the road. It was a tiny metal capsule, like finding a needle in a haystack according to Western Australia's Department of Fire and Emergency Services <https://news.dfes.wa.gov.au/media-releases-feature-stories/radioactive-capsule-found-in-pilbara>. The International Atomic Energy Agency's (IAEA) Incident and Trafficking Database (ITDB) <https://www.iaea.org/bulletin/incident-and-trafficking-database> is another website to learn about lost radioactive material incidents during transport. IAEA states that over 3,500 incidents have been reported since the database's inception in 1995. Proper accountability, regulatory compliance and load securement go a long way to keep your shipments off these lists!

PHMSA's Quarterly Hazmat Newsletter

The Pipeline and Hazardous Material Safety Administration (PHMSA) published their April - June 2023 newsletter for Hazardous Materials Safety. PHMSA consolidates timely information on their latest rulemaking activities, upcoming workshops and webinars, newest publications, and other highlights from PHMSA's current safety initiatives into each quarterly newsletter. This quarter's PHMSA Hazmat newsletter included a brief about lessons learned and overview of the February 3, 2023 train derailment in East Palestine, Ohio. This incident is a stark reminder why we need to be vigilant on how to safely transport hazardous materials. The newsletter also includes: the public meetings in 2023 for International Standards on the Transport of Dangerous Goods; how to properly register each year with PHMSA; new and updated publications and resources; learning opportunities; and The Hazardous Materials Info Center contact information. Please visit the PHMSA newsletter website at <https://www.phmsa.dot.gov/training/hazmat/phmsas-quarterly-hazmat-newsletter> to read this and any past PHMSA newsletters.

Recent Lessons Learned, Industry Events, and Operating Experiences



Calamitous Communications!?!

So, what do you think about stickers on top of other stickers? Will the top sticker fully cover up the sticker below or will there be some bleed through? Even thou stated in 49 CFR 173.427, low specific activity (LSA) and surface contaminated object (SCO) markings on a general design, exclusive use package are excepted from the specification marking requirements in 49 CFR Part 172, should the "Radioactive - LSA" marking be visible and not obscured by other markings? Could there be any confusion whether this package is LSA and/or SCO? Hopefully we can learn to slow down and properly communicate what type of material is in the package.



Mediocre Marking!?!

Should a package's markings survive normal conditions of transport? This poor orange panel is missing something. What can a shipper do to ensure their markings are durable as required in 49 CFR Part 172 Subpart D? Ensure the package surface is clean before applying the marking. Apply extra adhesive (which the consignee will love you for when it comes time to remove). Apply good quality clear packing tape over the marking. Give the driver a few extra markings to apply when needed during transport. These are just a few things we can do to ensure these package markings make it to its destination without any issues or violations.



Perplexing Placarding!?!

So, what is wrong with this placard? Whether domestically in the USA or internationally, it is missing something. A class 7 placard should have the words "RADIOACTIVE" across centerline under the yellow triangle. If this was 100% a USA shipment, then we have another problem with the yellow bottom of the triangle coming down to the centerline. If this was an international shipment, the basic design is correct but still missing either the words "RADIOACTIVE" or the identification number. Be careful with placards since there are both domestic U.S. DOT and international versions. Also ensure the design fully meets the applicable standards.

*** Does DOT require a specific instrument to measure contamination?** Reference # 02-0116, 04-0047, 06-0002R, 09-0206 & 10-0174

No, DOT allows shippers flexibility to use whatever equipment necessary to meet the contamination control requirements.

*** What type of ionizing radiation should I measure for contamination?** Reference # 05-0094, 06-0002R, 09-0206 & 18-0014

A shipper must ensure the levels of all types of ionizing radiation from contamination are below the regulatory limits, this includes alpha, beta, and gamma emitters.

*** Does the wipe efficiency include the instrument efficiency factor?** Reference # 06-0153 & 10-0174

No, the instrument efficiency factor should be provided on the instrument, obtained through the manufacturer or supplier of the instrument, or determined by using reference standards of known radioactivity.

Therefore, both a wipe efficiency factor and an instrument efficiency factor are needed to calculate the level of contamination.

*** Is there an alternate method to actual wipe samples?** Reference # 99-0119, 02-0116, 04-0047, 06-0153 & 16-0016

Yes, an alternate method which gives the same or greater assurance that the package contamination does not exceed the regulatory limits, such as new packaging material protected from on-site contamination, is acceptable if it ensures compliance.

*** How do I show compliance with the new threshold of contamination in 49 CFR 173.401(b)(5)?** Reference # 06-0002R & 22-0014

The definition of contamination in 49 CFR 173.403 includes both fixed and non-fixed radioactive substances on a surface, including the surface of a package, empty packaging, or conveyance. This would

FAQ Contamination Control

require a radiation survey instrument of appropriate sensitivity to show low enough readings to conclude that the total contamination (both the non-fixed and fixed) limits are met.

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. Do not forget that you have these internet addresses (and many more) in a PDF on our training class e-media handout.



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FRA Train Configuration Safety Advisory.

On April 11, 2023 (88 FR 21736), the Federal Railroad Administration (FRA) published a Notice issuing Safety Advisory 2023-02 to emphasize significant concerns related to train makeup and to ensure that all railroads exercise due diligence and recognize the importance of taking proactive measures to address potential safety risks related to operating train builds with varying configurations, load and empty placement, distributed power arrangements, and other factors. FRA has noticed a rising trend in recent incidents where train build and makeup have been identified as a potential cause or contributing factor. In response, FRA incorporates train simulations into its investigative process when it is suspected that high in-train forces may have contributed to train accidents. To address these concerns, FRA is providing recommendations for freight railroads to improve the safety of their train build processes and practices.

PHMSA 2024 ERG Updates Meeting.

On April 12, 2023 (88 FR 22089), the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a Notice requesting input on the development of the 2024 edition of the Emergency Response Guidebook (ERG2024) during a public meeting that will take place virtually on Tuesday May 16, 2023. DOT requests that attendees pre-register for this meeting. The meeting will be hosted on Microsoft Teams and a conference call line will be provided upon registration by completing the form at <https://www.phmsa.dot.gov/research-and-development/hazmat/rd-meetings-and-events>. 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 ERG2024.

EPA Seeking Comments on PFAS

On April 13, 2023 (88 FR 22399), the Environmental Protection Agency (EPA) published an Advance Notice of Proposed Rulemaking (ANPRM) requesting public input and data to assist in the consideration of potential development of future regulations pertaining to per- and polyfluoroalkyl substances (PFAS) under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund). The EPA is seeking input and data regarding potential future hazardous substance designation under CERCLA of: Seven PFAS, besides perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), and their salts and structural isomers, or some subset thereof; precursors (a precursor is a chemical that is transformed into another compound through the course of a degradation process) to PFOA, PFOS, and seven other PFAS; and/or categories of PFAS. Comments must be received on or before June 12, 2023.

FMCSA Crash Preventability Program.

On April 13, 2023 (88 FR 22518), the Federal Motor Carrier Safety Administration (FMCSA) published a Notice requesting public comments on proposed changes to the Safety Measurement System (SMS). Since May 2020, FMCSA has been operating the Crash Preventability Determination Program (CPDP) to address industry concerns about all crashes being used in the SMS. FMCSA is proposing to modify existing crash types to broaden eligibility, removing the distinction between direct and indirect strikes, and differentiating some types for improved reporting and use of the data to identify ways to reduce crashes involving non-motorists, in alignment with the Department of Transportation's National Roadway Safety Strategies at www.transportation.gov/NRSS. In addition, FMCSA proposes that four new crash types be included in the program. Comments must be received on or before June 12, 2023.

PHMSA Recycled Plastics Policy.

On April 14, 2023 (88 FR 23140), the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a Notice to: (1) solicit information pertaining to how the potential use of recycled plastic resins in the manufacturing of specification packagings may affect hazardous materials transportation safety; (2) ensure transparency of its current policy pertaining to the use of recycled plastics in the manufacturing of specification packagings; (3) seek input on this policy to better inform potential regulatory changes; and (4) gather information for the evaluation of future approval requests and to better inform decisions pertaining to potential regulatory revisions and other related work. Interested parties are invited to submit comments on or before July 13, 2023. Comments received after that date will be considered to the extent possible.

EPA Proposing Methylene Chloride Prohibition.

On May 03, 2023 (88 FR 28284), the Environmental Protection Agency (EPA) published a Proposed Rule to (1) prohibit the manufacture, processing, and distribution in commerce of methylene chloride for consumer use; (2) prohibit most industrial and commercial uses of methylene chloride; (3) require a workplace chemical protection program (WCPP), which would include a requirement to meet inhalation exposure concentration limits and exposure monitoring for certain continued conditions of use of methylene chloride; (4) require recordkeeping and downstream notification requirements for several conditions of use of methylene chloride; (5) and provide certain time-limited exemptions from requirements for uses of methylene chloride that would otherwise significantly disrupt national security and critical infrastructure. The EPA is proposing to address the unreasonable risk of injury to human health presented by methylene chloride under its conditions of use as documented in EPA's June 2020 Risk Evaluation for Methylene Chloride and November



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2022 revised risk determination for methylene chloride prepared under the Toxic Substances Control Act (TSCA). TSCA requires that EPA address by rule any unreasonable risk of injury to health or the environment identified in a TSCA risk evaluation and apply requirements to the extent necessary so that the chemical no longer presents unreasonable risk. Methylene chloride, also known as dichloromethane, is acutely lethal, a neurotoxicant, a likely human carcinogen, and presents cancer and non-cancer risks following chronic exposures as well as acute risks. Central nervous system depressant effects can result in loss of consciousness and respiratory depression, resulting in irreversible coma, hypoxia, and eventual death, including 85 documented fatalities from 1980 to 2018, a majority of which were occupational fatalities. Nevertheless, methylene chloride is still a widely used solvent in a variety of consumer and commercial applications including adhesives and sealants, automotive products, and paint and coating removers. Comments must be received on or before July 3, 2023. Under the Paperwork Reduction Act, comments on the information collection provisions are best assured of consideration if the Office of Management and Budget (OMB) receives a copy of your comments on or before June 2, 2023.

NRC License Termination Comment Request. On May 04, 2023 (88 FR 28618), the U.S. Nuclear Regulatory Commission (NRC) published a Notice requesting information aimed at understanding the current state-of-art in approaches to radiological survey (i.e., radiation instrumentation and data collection for both surface and subsurface residual radioactivity.) to support decommissioning and license termination. The NRC also requests responses to a set of general questions listed at the end of this FR notice. The questions are focused on providing the NRC with an understanding of the state-of-art in approaches used to collect and process radiological survey and other data (surface and subsurface) to support decommissioning and license

termination. Please submit comments by June 5, 2023. 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.

TSA Proposes Security Vetting Changes. On May 23, 2023 (88 FR 33472), the Transportation Security Administration (TSA) published a Notice proposing to revise 49 CFR Parts 1500 - 1584 to implement provisions of the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act) that requires security vetting of certain public transportation, railroad, and over-the-road-bus (OTRB) employees. In accordance with the 9/11 Act, TSA proposes to require security-sensitive employees of certain public transportation operators and railroads to undergo a Level 2 security threat assessment (STA) that includes an immigration check and terrorism watchlist check to determine whether the applicant may pose a security threat. Further, TSA proposes to require security coordinators of certain public transportation, railroad, and OTRB operators to undergo a Level 3 STA, which includes the Level 2 check plus a criminal history records check. TSA proposes appeal and waiver procedures for individuals who are adversely impacted by the vetting. Finally, TSA proposes to establish user fees to recover TSA's costs for vetting, as required by law. Please submit comments on or August 21, 2023.

FMCSA Crash Causation Study. On May 25, 2023 (88 FR 33960), the Federal Motor Carrier Safety Administration (FMCSA) published a Notice requesting public comments on its plan to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB) relating to the planned "Study of Commercial Motor Vehicle Crash Causation," mandated by Congress in the Infrastructure and Investment Jobs Act (IIJA). To plan and execute this study, FMCSA must collect information from the States and local jurisdictions to understand their interest or ability

to participate in the study. FMCSA will collect information on existing crash data collection processes, systems, and resources and commercial motor vehicle (CMV) enforcement funding mechanisms and sources. Comments on this notice must be received on or before June 26, 2023.

PHMSA Registration Fee Ideas Public Meeting. On May 26, 2023 (88 FR 34227), the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a Notice to announce an available public meeting to solicit input on potential adjustments to the statutorily mandated hazardous materials registration and fee assessment program. The potential adjustment of fees may be necessary to fund PHMSA's national emergency preparedness grant programs at the newly authorized level in accordance with the Infrastructure Investment and Jobs Act of 2021. The meeting will be held virtually on June 28, 2023, from 1:00 p.m. until 4:00 p.m. Eastern Standard Time. Requests to attend the meeting must be received by June 21, 2023. Requests for accommodations for a disability must be received by June 21, 2023. Persons requesting to speak during the meeting must submit a written copy of their remarks to DOT by June 21, 2023. Requests to submit written materials to be reviewed during the meeting must be received no later than June 21, 2023.

PHMSA HM-215Q Proposed Harmonization. On May 30, 2023 (88 FR 34568), the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a Notice [Docket No. PHMSA-2021-0092 (HM-215Q)] proposing to amend the Hazardous Materials Regulations in 49 CFR Parts 171 - 180 to maintain alignment with international regulations and standards by adopting various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. Comments must be received by July 31, 2023. To the extent



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possible, PHMSA will consider late-filed comments while a final rule is developed.

EPA Proposing Perchloroethylene Prohibition. On June 16, 2023 (88 FR 39652), the Environmental Protection Agency (EPA) published a Proposed Rule to address the unreasonable risk of injury to human health presented by perchloroethylene (PCE) under its conditions of use as documented in EPA's December 2020 Risk Evaluation for PCE and December 2022 revised risk determination for PCE prepared under the Toxic Substances Control Act (TSCA). PCE is a widely used solvent in a variety of occupational and consumer applications including fluorinated compound production, petroleum manufacturing, dry cleaning, and aerosol degreasing. EPA determined that PCE presents an unreasonable risk of injury to health due to the significant adverse health effects associated with exposure to PCE, including neurotoxicity effects from acute and chronic inhalation exposures and dermal exposures, and cancer from chronic inhalation exposures to PCE. To address the identified unreasonable risk, EPA is proposing to prohibit most industrial and commercial uses of PCE; the manufacture (including import), processing, and distribution in commerce of PCE for the prohibited industrial and commercial uses; the manufacture (including import), processing, and distribution in commerce of PCE for all consumer use; and, the manufacture (including import), processing, distribution in commerce, and use of PCE in dry cleaning and related spot cleaning through a 10-year phaseout. Comments must be received on or before August 15, 2023.

FMCSA Finalizes Broker Guidance. On June 16, 2023 (88 FR 39368), the Federal Motor Carrier Safety Administration (FMCSA) published a Notice to inform the public and regulated entities about FMCSA's interpretation of the definitions of "broker" and "bona fide agents" as it relates to all brokers of transportation by motor vehicle. FMCSA

previously published a notice provision on June 9, 2022, and issued interim guidance on November 16, 2022. Today's notice makes updates to November 2022 guidance in response to the public comments the Agency received. This updated guidance is applicable on June 16, 2023.

FMCSA Lowers Registration Fee. On June 22, 2023 (88 FR 40719), the Federal Motor Carrier Safety Administration (FMCSA) published a Final Rule amending 49 CFR Part 367 for the annual registration fees States collect from motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies for the Unified Carrier Registration (UCR) Plan and Agreement for the 2024 registration year and subsequent registration years. The fees for the 2024 registration year are approximately 9 percent less than the fees for the 2023 registration year, with varying reductions between \$4 and \$3,453 per entity, depending on the applicable fee bracket. This final rule is effective July 24, 2023.

EPA Corrects 40 CFR Section 423.16. On June 26, 2023 (88 FR 41326), the Environmental Protection Agency (EPA) published a Final Rule to correct an editorial or technical error that appeared in the most recent annual revision of Title 40 of the Code of Federal Regulations (CFR) Parts 400 to 424, revised as of July 1, 2022. Concerning Steam Electric Power Generating Point Source Category in 40 CFR Section 423.16 "Pretreatment standards for existing sources (PSES)," duplicate paragraphs (e) and (g) are removed. This CFR correction is effective immediately.

PHMSA Proposes Real-Time Rail Consist. On June 27, 2023 (88 FR 41541), the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a Notice of Proposed Rulemaking (NPRM) to amend its Hazardous Materials Regulations in 49 CFR Parts 171, 174, and 180 to require all railroads to generate in electronic form, maintain, and

provide to first responders, emergency response officials, and law enforcement personnel, certain information regarding hazardous materials in rail transportation to enhance emergency response and investigative efforts. The proposal responds to a safety recommendation of the National Transportation Safety Board and statutory mandates in The Fixing America's Surface Transportation Act, as amended, and complements existing regulatory requirements pertaining to the generation, maintenance, and provision of similar information in hard copy form, as well as other hazard communication requirements. Comments must be received by August 28, 2023. To the extent possible, PHMSA will consider late-filed comments as a final rule is developed.

NRC Revising 10 CFR Part 35 Medical Use. On July 03, 2023 (88 FR 42654), the U.S. Nuclear Regulatory Commission (NRC) published a Notice requesting comments about adding requirements for calibration and dosage measurement for certain generator systems and establish performance-based requirements for existing and future emerging medical technologies. The NRC is also considering additional changes to its medical use regulations to accommodate developments in the medical field related to new radiopharmaceuticals and emerging medical technologies. The rulemaking will affect medical licensees who use these technologies and evaluate the current training and experience requirements for emerging medical technologies. The NRC is requesting comments from the public on the regulatory basis for this rulemaking. The NRC plans to hold one or more public meetings during the comment period to promote full understanding of the contemplated action and facilitate public comment. Please submit comments by October 31, 2023. 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 before this date.



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PHMSA Solicits HMR Improvement.

On July 05, 2023 (88 FR 43016), the Pipeline and Hazardous Materials Safety Administration (PHMSA) published an Advance Notice of Proposed Rulemaking (ANPRM) soliciting stakeholder feedback on initiatives PHMSA is considering that may modernize the Hazardous Materials Regulations (HMRs) in 49 CFR Parts 171 thru 180 and improve efficiencies while maintaining or improving a current high level of safety. To fully engage with stakeholders, this ANPRM solicits comments and input on questions related to 46 distinct topics under consideration. Topics include exceptions to Emergency Response Information, Packaging, Marking and Training; Rail and Vessel Shipments; Safety Recommendations; and Clarifications to name a few. Any comments, data, and

information received will be used to evaluate and potentially draft proposed amendments. Comments must be received by October 3, 2023. However, PHMSA will consider late-filed comments to the extent possible.

FMCSA Proposes New Vehicle Safety Standard.

On July 06, 2023 (88 FR 43174), the Federal Motor Carrier Safety Administration (FMCSA) and National Highway Traffic Safety Administration (NHTSA) published a Notice of Proposed Rulemaking (NPRM) requesting comments on amending 49 CFR Part 393, 396, 571, and 596 to adopt a new Federal Motor Vehicle Safety Standard (FMVSS) to require automatic emergency braking (AEB) systems on heavy vehicles, i.e., vehicles with a gross vehicle weight rating greater than 4,536 kilograms (10,000 pounds). This notice

also proposes to amend FMVSS No. 136 to require nearly all heavy vehicles to have an electronic stability control system that meets the equipment requirements, general system operational capability requirements, and malfunction detection requirements of FMVSS No. 136. An AEB system uses multiple sensor technologies and subsystems that work together to sense when the vehicle is in a crash imminent situation and automatically applies the vehicle brakes if the driver has not done so or automatically applies more braking force to supplement the driver's applied braking. This NPRM also proposes Federal Motor Carrier Safety Regulations requiring the electronic stability control and AEB systems to be on during vehicle operation. Comments must be received on or before September 5, 2023.

2023 Commercial Open-Enrollment 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

DOT/NRC/EPA Hazardous Waste/ Mixed Waste Packaging, Transportation & Disposal	Jul. 10-14	40	\$2,375	Clinton, TN
Bear Creek Operations (BCO) Facility Tour	Jul. 13	--	\$0	Oak Ridge, TN
DOT/NRC Radioactive Waste Packaging, Transportation & Disposal	Aug. 21-24	32	\$2,175	Hilton Head, SC
Air Transport of Radioactive Materials (IATA/DOT)	Aug. 25	6	\$999*	Hilton Head, SC
DOT/NRC/EPA Hazardous Waste/ Mixed Waste Packaging, Transportation & Disposal	Sep. 11-15	40	\$2,375	Salt Lake City, UT
Clive Disposal Site Facility Tour	Sep. 14	--	\$0	Clive, UT
DOT/NRC Radioactive Waste Packaging, Transportation & Disposal	Oct. 23-26	32	\$2,175	Orlando, FL
Air Transport of Radioactive Materials (IATA/DOT)	Oct. 27	6	\$999*	Orlando, FL
DOT/NRC/EPA Hazardous Waste/ Mixed Waste Packaging, Transportation & Disposal	Nov. 6-10	40	\$2,375	Clinton, TN
Bear Creek Operations (BCO) Facility Tour	Nov. 9	--	\$0	Oak Ridge, TN
DOT/NRC Radioactive Waste Packaging, Transportation & Disposal	Dec. 4-7	32	\$2,175	Henderson, NV
Air Transport of Radioactive Materials (IATA/DOT)	Dec. 8	6	\$999*	Henderson, NV

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

** The American Academy of Health Physics (AAHP) has preapproved continuation education credit hours for these courses