

# the Moderator

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## Latest news

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Welcome to the  
Atkins Website for  
Hazardous Materials  
Transportation  
Training



### New Hazardous Material Transportation Training Website

Atkins is very pleased to announce the launch of our new hazardous material transportation training website: <http://www.atkinsglobal.com/energytraining>. Information and registration for our transportation and motor carrier training classes is available now from our user friendly homepage.

The Training Organization personnel who teach the courses that you or your colleagues have attended in the past remain the same. Everything that you value and appreciate about our transportation and motor carrier classes is unaffected by our transition.

If you have had correspondence with our training team recently, you may have received an automated email reply announcing our new email addresses. During this transition time, we have access to both Atkins and our former email. Please note the Atkins addresses and save them in your contacts for future use. We have been advised that our phone numbers will be changing and we will notify you when this happens. For now our current phone numbers remain active. Feel free to contact us!

### Radioactive Material Shipper Training During a Balloon Fiesta?

Are you due to renew? Do you need advanced level training for shipping radioactive materials? Have you ever seen the Balloon Fiesta in Albuquerque? Here is an opportunity to be in Albuquerque during the week of the Balloon Fiesta and attend training for Advanced Radioactive Material Transportation Training. On October 4-6 we will be conducting this training and hope you will join us for a festive week in Albuquerque.

Register now at <http://www.atkinsglobal.com/energytraining>

There are still some hotel rooms at reasonable rates available. Book now!

## New Safety Awareness Campaign

How many of you have heard of the Federal Motor Carrier Safety Administration's (FMCSA) newest safety and awareness campaign, "Our Roads, Our Responsibility"? It is a safety campaign they launched on August 11th to raise public awareness on the differences of large trucks and buses (also known as commercial motor vehicles) versus smaller vehicles when driving on the roads. FMCSA points out that with nearly 12 million CMVs registered to operate on the highways of America. It's easy to not regard them as anything other than simply another vehicle and expect them to behave like one. Their hope is to bring awareness to the non-CMV drivers that such large vehicles are much more difficult to maneuver and have very large blind spots.

Understanding the differences between the characteristics of larger vehicles and smaller vehicles, and having an appreciation for the differences, will make the roads safer for all of us using them. "Our Roads, Our Responsibility" campaign is FMCSA's newest tool in educating the public about the differences of large vehicles and smaller vehicles. FMCSA points out in their campaign kick-off overview, "It's easy to think of all vehicles on the road simply as cars of varying sizes. However, in reality, trucks and buses are much more difficult to maneuver and have massive blind spots. Awareness of these differences, and some simple adjustments in driving behavior, can help all drivers keep the roads as safe as possible." The campaign includes public service announcements, graphics for billboards and social media content, as well as banners that interested companies can obtain and display in any medium (posters, letter watermarks or boarders, etc.). Some of the tips they offer on the safety campaign web address are addressed to the CMV drivers as well as the smaller, non-CMV drivers. Some examples include:

Tips for non-CMV Drivers:

- Stay out of Blind Spots! If you can't see the driver in the mirror, they can't see you!
- Pass Safely. Signal before passing. Don't linger in the blind spot when passing. Accelerate so you can get around safely and promptly. Avoid passing on a downhill grade as they too tend to speed up.
- Don't Cut In. Cutting in too close in front of any other type of vehicle is dangerous and especially dangerous when doing so to a CMV as they typically need more room to stop.
- Stay Back. Don't tailgate.
- Anticipate Wide Turns. Remember their blind spots and their need to have plenty of room for the cab truck as well as the trailer to make the turn.
- Be Patient. Trucks and buses have operating restrictions, and sometimes use technology like speed limiters. Honking, driving aggressively, or weaving through traffic won't make the trip faster, but can cause dangerous distractions and crashes.

Tips for CMV Drivers:

- Stay Alert! 30% of fatal crashes in work zones involved at least one large truck.
- Defense! Defense! Scan ahead about 15 seconds for traffic issues, work zones, and other dangers.
- Signal for Safety. Signal and brake to give other drivers plenty of time to notice your intent. If you must pull off the road, use flashers, reflective triangles, and road flares to alert approaching drivers.
- Know When to Slow. Driving too fast for weather or road conditions or failing to slow down for curves or ramps create risks for spills and rollovers, as well as crashes.
- Never Drive Distracted!

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## Latest happenings in the Federal Register

- Packing Group Packed Up and Gone
- What's Your Background?
- FMCSA Proposes Under 21 Pilot Program for Military Trained Drivers
- HRCQ Route Registry Revision
- DOT Proposes Miscellaneous HMR Changes
- New Minimum Civil Penalty Increase
- EPA Corrections and Revisions Related to Source Testing of Emissions

## Packing Group Packed Up and Gone

A Final Rule published in the Federal Register on June 2, 2016 with an Effective Date of July 5th, 2016 addressed a number of changes in the regulations. One of the changes was to remove the packing group (PG) II designation for Division 5.2 organic peroxides, Division 4.1 self-reactive substances, and all Class 1 explosives in the Hazardous Materials Table (HMT) in 49 CFR 172.101 (see examples below). The petition for this change came from the Dangerous Goods Advisory Council (DGAC) and was agreed to by the Pipeline and Hazardous Materials Safety Administration (PHMSA). The petition came in part because of the confusion with the requirement to include the packing group as an entry on the shipping paper as part of the basic description in 172.202(a)(4).

However, the paragraph also includes an exception to this requirement for explosives, self-reactive substances, and organic peroxides among other things. Since organic peroxides, self-reactive substances, and explosives are not assigned a packing group in accordance with either the HMR or international regulations, they were assigned the default of PG II. DGAC asserted that this caused constant confusion leading to the frustration of shipments due to inspections by carrier staff and enforcement personnel along the transport chain. With this change, clarity for these items in the HMT should occur. It appears that the paragraph in 172.202(a)(4) hasn't changed yet, but with the removal of entries of assigned default packing groups for these items, the requirement should be understood because the paragraph includes the language "and entries that are not assigned a packing group (e.g., Class 7) are excepted from this requirement." Shippers are cautioned that the October 1, 2015 version of 49CFR will still show packing groups for these items so it is best to check online for the most current regulations.

## § 172.101 HAZARDOUS MATERIALS TABLE

Sym-bols  (1)	Hazardous materials descriptions and proper shipping names  (2)	Hazard class or division  (3)	Identification Numbers  (4)	PG  (5)	Label Codes  (6)	Special Provisions (§ 172.102)  (7)
G	Articles, explosive, n.o.s.	1.1D	UN0463		1.1D	101
G	Articles, explosive, n.o.s.	1.1E	UN0464		1.1E	101
G	Self-reactive liquid type E	4.1	UN3227		4.1	
G	Self-reactive liquid type E, temperature controlled	4.1	UN3237		4.1	
G	Self-reactive liquid type F	4.1	UN3229		4.1	
G	Organic peroxide type C, solid, temperature controlled	5.2	UN3114		5.2	
G	Organic peroxide type D, liquid	5.2	UN3105		5.2	
G	Organic peroxide type D, liquid, temperature controlled	5.2	UN3115		5.2	

### What's Your Background?

A change in the regulations was made as 172.406(d) was amended to add clarification that also became effective July 5th, 2016. It now states: (d) Contrast with background. Each label must be printed on or affixed to a background color contrasting to the color specification of the label as required by § 172.407(d)(1), or must have a dotted or solid line outer border, to enhance the visibility of the label. However, the dotted or solid line outer border may also be used for backgrounds of contrasting color.

This change was made because of the confusion with this requirement with the previous language and the label specification requirements in 172.407(b) where labels must meet the design requirements as prescribed. However, most examples shown in 172.411 through 172.448 show a dotted line outer edge boundary. This dotted line is not part of the label specification except when it is used as an alternative to meet the solid line or dotted line outer border requirement in 172.406(d) when a label is placed on a background that does not contrast. Based on the original language, it appeared that labels with a dotted or solid line outer border were permitted only if the surface of the package was not a contrasting color, which caused some confusion. With this amended language, this requirement should be easier to understand.



### FMCSA Proposes Under 21 Pilot Program for Military Trained Drivers

On August 22, 2016 (81 FR 56745), as required by section 5404 of the Fixing America's Surface Transportation (FAST) Act, FMCSA proposed a pilot program to allow a limited number of individuals between the ages of 18 and 21 to operate commercial motor vehicles (CMVs) in interstate commerce if they have received specified heavy-vehicle driver training while in military service and are sponsored by a participating motor carrier. During the 3-year pilot program, the safety records of these younger drivers (the study group) would be compared to the records of a control group of comparable size, comprised of drivers who are 21 years of age or older and who have comparable training and experience in driving vehicles requiring a commercial driver's license (CDL). The control group would consist of volunteer drivers who meet specified criteria and are employed by a participating carrier. The comparison of the two groups' performance would help to determine whether age is a critical safety factor. FMCSA also proposes criteria for a working group to consult with the Agency in conducting, monitoring, and evaluating the pilot program. Further, the Agency outlines procedural steps and a data collection plan, and requests comments on these elements. Comments must be received on or before September 21, 2016.

### HRCQ Route Registry Revision

On August 8, 2016 (81 FR 52518) the Federal Motor Carrier Safety Administration (FMCSA) posted a Federal Register notice addressing a revision to the National Hazardous Materials Route Registry. This notice was done in response to the State of California having notified the FMCSA of a revision for their state to their Route Registry. This notice provides the most current revisions to the National Hazardous Materials Route Registry (NHMRR) and procedures to facilitate the update of the NHMRR by State and Tribal government routing agencies. The NHMRR is a listing, as reported by States and Tribal governments, of all designated and restricted road and preferred highway routes for transportation of Highway Route Controlled Quantities (HRCQ) of Class 7 radioactive materials (RAM) (HRCQ/RAM) and non-radioactive hazardous materials (NRHMs). The notice effective date is August 8, 2016.

### DOT Proposes Miscellaneous HMR Changes

On June 30, 2016 (81 FR 42609), the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a notice of proposed rulemaking (NPRM) in the federal register amending the Hazardous Materials Regulations (HMR) in 49 CFR Parts 171 - 180 to update, clarify, or provide relief from miscellaneous regulatory requirements that include, but are not limited to, the following: Incorporating by Reference (IBR) multiple publications from both the Compressed Gas Association (CGA) and the Chlorine Institute; addressing inconsistencies with domestic and international labels and placards; permitting alternative testing for aerosols; no longer mandating that excepted quantities comply with the emergency response telephone requirement; allowing electronic signatures for Environmental Protection Agency (EPA) manifest forms; and no longer requiring the service pressure to be marked on Department of Transportation (DOT) 8 and 8L cylinders. Please submit comments by August 29, 2016.

### New Minimum Civil Penalty Increase

Effective August 1, 2016, due to an inflationary adjustment, the cost of knowingly violating Federal hazardous material transportation law applicable to the transportation of hazardous materials or the causing of them to

be transported or shipped is liable for a civil penalty of not more than \$77,114 (a \$2,114 increase) for each violation, except the maximum civil penalty is \$179,933 (a \$4,933 increase) if the violation results in death, serious illness or severe injury to any person or substantial destruction of property. There is no minimum civil penalty, except for a minimum civil penalty of \$463 (a \$13 increase) for violations relating to training. When the violation is a continuing one, each day of the violation constitutes a separate offense. Further, the violations and penalties include knowingly violating laws, orders, or a special permit or approval applicable to the design, manufacture, fabrication, inspection, marking, maintenance, reconditioning, repair or testing of a package, container, or packaging component which is represented, marked, certified, or sold by that person as qualified for use in the transportation of hazardous materials in commerce. Parts 107.329 and 171.1 of 49 CFR were revised to reflect the changes and promulgated in Federal Register, Volume 81, No. 125 of June 29, 2016.

## EPA Corrections and Revisions Related to Source Testing of Emissions

Effective October 31, 2016 (81 FR 59800), the Environmental Protection Agency (EPA) will have a final rule in effect that promulgates technical and editorial corrections and revisions to regulations related to source testing of emissions. EPA made corrections and updates to testing provisions, and added newly approved alternatives to existing testing regulations. More specifically, EPA is correcting typographical and technical errors, updating obsolete testing procedures, adding approved testing alternatives, and clarifying testing requirements. These revisions will improve the quality of data and provide flexibility in the use of approved alternative procedures. The revisions do not impose any new substantive requirements on source owners or operators. The incorporation by reference materials listed in the rule is approved by the Director of the Federal Register as of October 31, 2016.

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## FAQ

### What does the word “near” mean in regards to the requirement in § 172.406 to place a hazard label “near the proper shipping name marking”?

Interpretation #11-0294 | As specified in § 172.406, each label required must be printed on or affixed to a surface (other than the bottom) of the package or containment device containing the hazardous material, and be located on the same surface of the package and near the proper shipping name marking, if the package dimensions are adequate. Additionally, a label must be clearly visible and may not be obscured by markings or attachments. The HMR does not specifically define “near” with respect to § 172.406; however, current reference materials define “near” as “adjacent.”

### Is a shipper is required to mark a package in accordance with § 172.310(b) if the package specification marking required by § 178.350 is already present?

Interpretation #08-0115 | It is not necessary that package marking entries required by Part 172, Subpart D be separate and distinct from those specified in § 178.350(c). A packaging properly marked “USA DOT 7A Type A” in accordance with §§ 178.3 and 178.350 would satisfy the requirements in § 172.310(b).

### Is the requirement to label a non-rigid overpack (i.e., a pallet) containing labeled Class 7 (radioactive) material packages a requirement or is it optional?

Interpretation #15-0056 | It is a requirement. § 173.448(g) requires that if an overpack is used, the overpack must be labeled in accordance with § 172.403(h). Note that § 173.448(g) also specifically references that the overpack is to be marked in accordance with § 173.25, however, it does not reference § 173.25 for labeling. Section 172.403(h) does not provide an exception for labeling overpacks and outlines the requirements for labeling of an overpack including conditions for rigid and non-rigid overpacks. Therefore, the overpack must be labeled with a Class 7 label that contains information on the content, activity, and transport index information as instructed in § 173.403(h)(1)-(3). This is necessary because of the unique hazard of radioactive material and communicating the aggregate radioactivity of the individual packages in the overpack (i.e., on the pallet).

This has caused some confusion due to fact that in § 173.25(a)(2) it states: “The overpack is marked with the proper shipping name and identification number, when applicable, and is labeled as required by this subchapter for each hazardous material contained therein, unless marking and labels representative of each hazardous material in the overpack are visible.” This paragraph applies for markings on overpacks containing Class 7 (radioactive) material, but it does not apply to labels. Therefore, markings that are visible on a non-rigid overpack would not need to be repeated, but labels would need to be applied to the overpack in accordance with § 173.403(h)(1)-(3), even if the labels on the packages were visible.

To access any DOT letters of interpretation, go to the <http://www.phmsa.dot.gov/hazmat>, then, click on:

“Interpretations” Next, you can search by entering the reference number in the search box or search by the applicable regulatory section number, or search by the published date.

## Class schedule

Course	Date	Location
Hazardous Material General Awareness Transportation Training	Sept 14, 2016	Richland, WA
Advanced Hazardous Waste Shipper Certification Training	Sept 13-15, 2016	Richland, WA
Hazardous Material General Awareness Transportation Training	Sept 20, 2016	Richland, WA
Advanced Hazardous Waste Shipper Certification Training	Sept 20-22, 2016	Las Vegas, NV
DOT/NRC/EPA Hazardous Waste/Mixed Waste Packaging, Transportation, and Disposal Training	Sept 20-23, 2016	Aiken, SC
Load Securement for Drivers	Sept 27, 2016	Richland, WA
Basic Level Transportation Training - Mod 1 - Basic Hazardous Material	Sept 26-27, 2016	Albuquerque, NM
Basic Level Transportation Training - Mod 2 - Basic Hazardous Waste	Sept 28, 2016	Albuquerque, NM
Basic Level Transportation Training - Mod 3 - Basic Radioactive Material	Sept 28-29, 2016	Albuquerque, NM
Hazardous Material General Awareness Transportation Training	Oct 4, 2016	Richland, WA
Advanced Radioactive Material Shipper Certification Training	Oct 4-6, 2016	Albuquerque, NM
Hazardous Materials Drivers Training	Oct 6, 2016	Richland, WA
Federal Motor Carrier Safety Regulations for Drivers	Oct 11, 2016	Richland, WA
Advanced Radioactive Material Shipper Certification Training	Oct 11-13, 2016	Richland, WA
DOT/NRC Radioactive Waste Packaging, Transportation and Disposal Training	Oct 17-20, 2016	Hilton Head, SC
Load Securement for Drivers and Traffic Personnel	Oct 18, 2016	Richland, WA
IATA: Transportation of Dangerous Goods by Air Shipper Certification Training	Oct 18-20, 2016	Richland, WA
Advanced Radioactive Material Shipper Certification Training	Oct 18-20, 2016	Las Vegas, NV
Air Transport of Radioactive Materials	Oct 21, 2016	Hilton Head, SC
Advanced Mixed Waste Shipper Certification Training	Oct 31-Nov 3, 2016	Albuquerque, NM
Hazardous Material General Awareness Transportation Training	Nov 1, 2016	Richland, WA
DOT/NRC/EPA Hazardous Waste/Mixed Waste Packaging, Transportation, and Disposal Training	Nov 1-4, 2016	Oak Ridge, TN
Federal Motor Carrier Safety Regulations for Drivers	Nov 3, 2016	Richland, WA
Advanced Mixed Waste Shipper Certification Training	Nov 7-10, 2016	Las Vegas, NV
Basic Level Transportation Training - Mod 1 - Basic Hazardous Material	Nov 7-8, 2016	Las Vegas, NV
Basic Level Transportation Training - Mod 2 - Basic Hazardous Waste	Nov 9, 2016	Las Vegas, NV
Basic Level Transportation Training - Mod 3 - Basic Radioactive Material	Nov 9-10, 2016	Las Vegas, NV
Hazardous Materials Drivers Training	Nov 10, 2016	Richland, WA
Advanced Mixed Waste Shipper Certification Training	Nov 14-17, 2016	Richland, WA
Load Securement for Drivers and Traffic Personnel	Nov 9, 2016	Richland, WA
Highway Route Control Quantity (HRCQ)	Nov 16, 2016	Richland, WA
Hazardous Material General Awareness Transportation Training	Nov 17, 2016	Richland, WA
Federal Motor Carrier Safety Regulations for Managers & Supervisors	Nov 29-30, 2016	Richland, WA
Reasonable Suspicion Training for Supervisors	Dec 1, 2016	Richland, WA
Hazardous Material General Awareness Transportation Training	Dec 1, 2016	Richland, WA
Federal Motor Carrier Safety Regulations for Drivers	Dec 6, 2016	Richland, WA
IATA: Transportation of Dangerous Goods by Air Shipper Certification Training	Dec 6-8, 2016	Las Vegas, NV
DOT/NRC Radioactive Waste Packaging, Transportation and Disposal Training	Dec 6-9, 2016	Las Vegas, NV
Air Transport of Radioactive Materials	Dec 9, 2016	Las Vegas, NV
Load Securement for Drivers and Traffic Personnel	Dec 13, 2016	Richland, WA

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## Online training

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

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

How to Get Started:

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

What you Will Need:

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

## Available courses

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

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Please visit our [website](#) for course descriptions, pricing, and registration forms.

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