

IATA 56th DGR First Addendum

The International Air Transport Association (IATA) published an addendum to the Dangerous Goods Regulations 56th edition (2015 DGR) on 08 January 2015. These miscellaneous amendments are effective 01 January 2015. There are numerous updates to both State and operator variations. For radioactive material requirements listed in Section 10, there is one change: The references to which column to use in Table 10.3.C has been amended in both 10.3.11.1.1 and 10.3.11.1.5 for excepted packages of Class 7 material. The addendum may be downloaded from the following link: [IATA DGR 56th Addendum1 English](#)



NRC Revises NUREG-2155



The Implementation Guidance for 10 CFR Part 37 Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material has been revised. The Office of Nuclear Materials Safety and Safeguards published revision one during January of 2015. This supersedes the first edition published during February in 2013. This document is intended for use by applicants, licensees and the U.S. Nuclear Regulatory Commission (NRC) staff, and it will also be available to Agreement States. The approaches and methods described in NUREG-2155 are not requirements, but considered acceptable approaches and methods of complying with the requirements in 10 CFR Part 37. NUREG-2155 is in format of questions and answers (Q&As) for each section of the regulation. Revision 1 may be downloaded at: [NUREG-2155 Revision One](#)

The Implementation Guidance for 10 CFR Part 37 Physical Protection of Category 1 and Category 2 Quantities

Lessening the Paperwork Burden

Effective December 18, 2014, commercial motor vehicle (CMV) drivers operating in interstate commerce are no longer required to submit Driver's Vehicle Inspection Reports (DVIR) unless they are passenger-carrying CMVs or the driver has found or has been made aware of any vehicle defects or deficiencies. This does not relieve the property carrying driver of ensuring the vehicle is compliant and safe for operation. In order to ascertain whether or not the DVIR should be completed, the driver still needs to perform the pre- and post-trip vehicle inspections on such property carrying CMV. If any "defect or deficiency discovered by or reported to the driver which would affect the safety of operation of the vehicle or result in its mechanical breakdown", the DVIR must be completed and processed as part of the post-trip inspection. FMCSA claims this new "no-defect DVIR" for other than passenger carrying CMVs will save the trucking industry approximately \$1.7 billion annually in time and paperwork burden without imposing a greater safety risk. For those of us who share the road with CMVs, we hope they are right. Additionally, the parts and accessories for pre- and post-trip inspections were "harmonized" or aligned, so that the items inspected are now listed in both inspections.



Ref: Federal Register/Vol. 79, No. 243 dated Thursday, December 18, 2014.

Hours of Service (HOS) Rule Suspended

FMCSA suspended enforcement of the requirements regarding the restart of a driver's 60- or 70-hour limit that drivers were required to comply with beginning July 1, 2013. The provision on the 34-hour restart that was in effect before the new rule of July 1, 2013 replaced *(Continued on page 2)*



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the new rule. The new 34 hour rule that was suspended required two off-duty periods from 1 a.m. to 5 a.m., had to be included along with home terminal time, could only be used once per week (or 168 hours) , and was to be measured from the beginning of the previous restart. With that rule being suspended and reverting back to the previous rule, the driver must simply take 34 hours off-duty following a 60- or 70- hour work week.

Frequently Asked Questions

Our FAQ topic for this quarter looks at the changes in 49 CFR from HM-250, the final rule published July 11, 2014 with a compliance start date of July 13, 2015.

*** How long are the new record keeping requirements for Type IP-2 and IP-3, and uranium hexafluoride packagings; and special form certificates?**

Reference # 79 FR 40612 (173.411)& 40617 (173.477, 173.476)

At least 2 years after the offeror’s latest shipment (previously only one year)

*** Are there any changes to the documentation requirements for Type A packaging?**

Reference # 79 FR 40612 (173.415)

Yes, after January 1, 2017 if the offeror is the packaging manufacturer then “complete” documentation is required, but if the offeror is just a user of the packaging then only a manufacturer certification is required. Either will require documentation maintenance of at least 2 years after the latest shipment.

*** What are the new Class 7 radioactive placarding requirements?**

Reference # 79 FR 40610 (172.504 Table 1 footnote 1)

In addition to any package with a Yellow-III label, placarding will be required for any of the following situations: LSA-I/SCO-I unpackaged [173.427(c)]; shipments required to be “exclusive use” by 173.427 (LSA/SCO in general design packaging), 173.441 (>200mrem/hr or TI >10); 173.443(b) and (d) for contamination control; and 173.457 (Fissile conveyance with CSI >50).

*** Did the contamination limits in Table 9 change for dpm/cm2?**

Reference # 79 FR 40616 (173.443)

Yes, beta/gamma is now 240 dpm/cm2 and alpha is now 24 dpm/cm2

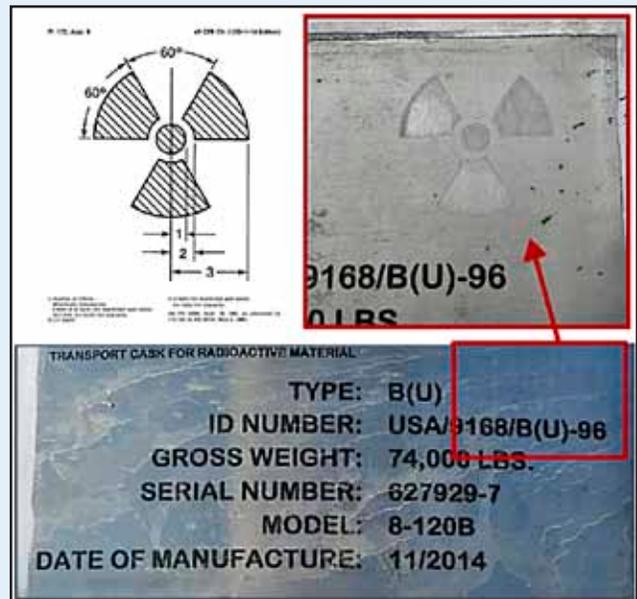
*** Must excepted packages now be marked with “RQ” if they contain a hazardous substance?**

Reference # 79 FR 40613 (173.422)

Yes, the letters “RQ” must be marked on any non-bulk packaging containing a hazardous substance. This change will now compel shipping papers to be required.

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



Should your Type B(U) packaging have a radiation symbol? Must this trefoil symbol be permanently engraved, embossed or stamped on an outermost receptacle and resistant to the effects of fire and water? Is there any specification to the symbol’s size, shape and design? I hope you answered ‘yes’ to all these questions. This package marking is required in 49 CFR 172.310(d) and must be designed to the specifications in 49 CFR Part 172 Appendix B.

Latest Happenings in the Federal Register

Trip Inspection Report Updates

On December 18, 2014 (79 FR 75437), the Federal Motor Carrier Safety Administration (FMCSA) published a final ruling rescinding the requirement that commercial motor vehicle (CMV) drivers operating in interstate commerce, except drivers of passenger-carrying CMVs, submit, and motor carriers retain, Driver-Vehicle Inspection Report (DVIRs) when the driver has neither found nor been made aware of any vehicle defects or deficiencies. This rule also harmonizes the pre- and post-trip inspection lists. FMCSA is also making a technical change to 49 CFR 396.11 to eliminate redundant language. This final rule is effective December 18, 2014.



and ease certain regulatory requirements in 49 CFR Parts 171 – 180 which include, but are not limited to, removing the packing group (PG) II designation for certain organic peroxides, self-reactive substances and explosives, incorporating requirements for trailers of manifolded acetylene cylinders, and providing requirements to allow for shipments of damaged wet electric batteries. In addition, this rulemaking proposes to revise the requirements for the packaging of nitric acid, testing of pressure relief devices on cargo tanks, and shipments of black or smokeless powder for small arms. Comments must be received by March 24, 2015.

EPA Solid Waste Definition Updated

On January 13, 2015 (80 FR 1694), the Environmental Protection Agency (EPA) published a final ruling that revises several recycling-related provisions associated with the definition of solid waste in 40 CFR Parts 260 and 261 used to determine hazardous waste regulation under Subtitle C of the Resource Conservation and Recovery Act (RCRA). The purpose of these revisions is to ensure that the hazardous secondary materials recycling regulations, as implemented, encourage reclamation in a way that does not result in increased risk to human health and the environment from discarded hazardous secondary material. This final rule is effective on July 13, 2015.



HMR International Harmonization



On January 08, 2015 (80 FR 1076), the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a final ruling to amend the Hazardous Materials Regulations (HMR) contained

in 49 CFR Parts 171 – 180. The purpose of this final rule is to maintain alignment with recent changes made to the International Maritime Dangerous Goods (IMDG) Code, the International Civil Aviation Organization's Technical Instructions (ICAO TI) for the Safe Transport of Dangerous Goods by Air, the United Nations Recommendations on the Transport of Dangerous Goods (UN Model Regulations) and subsequently address three petitions for rulemaking. The effective date of this final ruling is January 1, 2015. PHMSA is authorizing voluntary compliance beginning January 1, 2015. Unless otherwise specified, compliance with the amendments adopted in this final rule is required beginning January 1, 2016.

Incorporate DOT-SPs into HMR

On January 30, 2015 (80 FR 5340), the PHMSA published a NPRM to adopt provisions contained in certain widely-used or long-standing special permits that have an established safety record. PHMSA is inviting all interested persons to provide comments on both those special permits deemed suitable and proposed to be adopted into the HMR and those that are deemed not suitable for adoption. In addition, PHMSA is also requesting comments on a proposed requirement for special permit applicants to include regulatory text in their applications, when appropriate. Comments must be received by March 31, 2015.

Proposed HMR Miscellaneous Updates

On January 23, 2015 (80 FR 3788), the PHMSA published a notice of proposed rulemaking (NPRM) to revise, clarify,

**Reporting Spills of a Hazardous Substance –
“Immediately” Means Within 15 minutes**

Have you ever wondered what the time frame is for “immediate” notification for certain incidents? In 49 CFR 171.15, we can find DOT’s Incident Reporting and Notification requirements. Paragraph (a) tells us that notification must be made, “as soon as practical but no later than 12 hours after the occurrence...”. Nearly lost at the end of this section in fine print is the “Note to §171.15” which states:

Under 40 CFR 302.6, EPA requires persons in charge of facilities (including transport vehicles, vessels, and aircraft) to report any release of a hazardous substance in a quantity equal to or greater than its reportable quantity, as soon as that person has knowledge of the release, to DOT’s National Response Center at (toll free) 800-424-8802 or (toll) 202-267-2675.

Further, in 40 CFR 302.6 we find this: “As soon as he or she has knowledge of any release (other than a federally permitted release or application of a pesticide) of a hazardous substance from such vessel or facility in a quantity equal to or exceeding the reportable quantity determined by this part in any 24-hour period, immediately notify the National Response Center”.

Immediately? Is no later than 12 hours after the occurrence considered immediately? Not according to the expectations of EPA. Upon further research, it seems that all indications are pointing toward a time limit for “immediately” to be 15 minutes. Though there is nothing stated definitively in the regulations, on the EPA website there are references to the 15 minute window.¹ An article written by a law firm was also found when searching the term “how soon is soon enough” which was consistent with the EPA website wording that immediately means 15 minutes. The article indicated that “EPA relies on a comment in CERCLA’s legislative history that requires notification within fifteen (15) minutes after knowledge of a release of a RQ is acquired.” It went on to say, “If U.S. EPA believes that notification occurred beyond this fifteen minute window, expect U.S. EPA to threaten or bring an enforcement action for late reporting.”²

1 <http://www.epa.gov/region7/toxics/factsht.htm>
2 <http://www.epa.gov/oalj/orders/nova-dsc-080206.pdf>

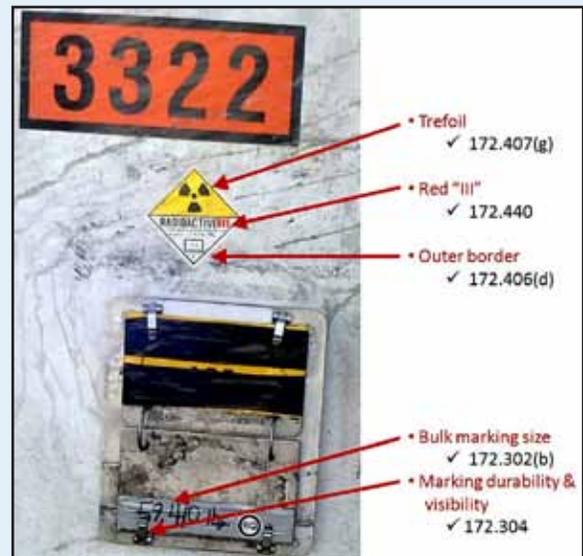
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Recent Industry Issues (cont.)



Placarding is a shared responsibility between both the shipper and the carrier per 49 CFR Part 172 Subpart F. Should the shipper place the placard where the driver can replace or cover

the damaged placard during transportation? Not a requirement to place container placards lower, but maybe a good idea to help out your driver should a replacement be needed. Should the driver have used clear tape or an adhesive-backed replacement placard? Placards have specifications on shape, size, design and color – including the outer border. Here the inner border was covered by the gray tape.



Lots of marking and labeling issues outlined in this picture. The trefoil and label must be designed to the specifications and requirements outlined in 49 CFR Part 172 Subpart E and Part 172 Appendix B. When a label is placed on a non-contrasting background, an outer dashed or solid line border must be added to the label. In addition to the orange panel, any other bulk markings must be of appropriate size and legible per 49 CFR Part 172 Subpart D.

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2 Andrew H. Perellis and Geoffrey B. Tichenor, Seyfarth Shaw LLP, Chicago, Illinois http://www.seyfarth.com/dir_docs/news_item/b074448c7cee-4cbe-a560-ebe9724f10b0_documentupload.pdf

Lithium Battery Extension

On February 20, 2015 (80 FR 9217), the Pipeline and Hazardous Materials Safety Administration (PHMSA) published an extension of compliance in the federal register for the transportation of lithium cells and batteries. PHMSA is extending the mandatory compliance date of a final rule published on August 6, 2014 (HM-224F, 79 FR 46012) for modes of transportation other than air, from February 6, 2015 until August 7, 2015. This extension is

made in response to formal comments received from multiple stakeholders outlining challenges faced by the regulated community in fully implementing the provisions of the final rule by the February 6, 2015 mandatory compliance date, particularly for surface transportation and the retail sector. PHMSA believes that maintaining the February 6, 2015 compliance date for air transport is appropriate and important for aviation safety and is therefore maintaining the February 6, 2015 effective date for offering, acceptance and transportation by aircraft. For all other modes of transportation, the compliance date for the HM-224F final rule published August 6, 2014 (79 FR 46012) is extended until August 7, 2015.

March - August 2015 Training Schedule

Course	Date	Location
Highway Route Control Quantity (HRCQ)	March 3, 2015	Richland, WA
IATA: Transportation of Dangerous Goods by Air Shipper Certification Training	March 3-5, 2015	Las Vegas, NV
Federal Motor Carrier Safety Regulations for Drivers	March 5, 2015	Richland, WA
Federal Motor Carrier Safety Regulations for Managers & Supervisors	March 10-11, 2015	Richland, WA
Advanced Hazardous Waste Shipper Certification Training	March 10-12, 2015	Richland, WA
Reasonable Suspicion Training for Supervisors	March 12, 2015	Richland, WA
Advanced Radioactive Material Shipper Certification Training	March 17-19, 2015	Richland, WA
Advanced Hazardous Waste Shipper Certification Training	March 17-19, 2015	Las Vegas, NV
Load Securement for Drivers and Traffic Personnel	March 18, 2015	Richland, WA
Hazardous Material General Awareness Transportation Training	March 25, 2015	Richland, WA
Hazardous Material General Awareness Transportation Training	April 7, 2015	Richland, WA
Load Securement for Drivers and Traffic Personnel	April 8, 2015	Richland, WA
Federal Motor Carrier Safety Regulations for Drivers	April 9, 2015	Richland, WA
Advanced Mixed Waste Shipper Certification Training	April 13-16, 2015	Richland, WA
Advanced Radioactive Material Shipper Certification Training	April 14-16, 2015	Albuquerque, NM
Hazardous Materials Drivers Training	April 15, 2015	Richland, WA
Hazardous Material General Awareness Transportation Training	April 21, 2015	Richland, WA
Explosives Training for Shippers	April 22, 2015	Richland, WA
Basic Level Transportation Training – Module 1 – Basic Hazardous Material	April 27-28, 2015	Aiken, SC
Basic Level Transportation Training – Module 2 – Basic Hazardous Waste	April 29, 2015	Aiken, SC
Basic Level Transportation Training – Module 3 – Basic Radioactive Material	April 29-30, 2015	Aiken, SC
*Attend all three modules consecutively for \$1,495.00 (savings of \$575.00)		
Advanced Radioactive Material Shipper Certification Training	April 28-30, 2015	Las Vegas, NV
Advanced Mixed Waste Shipper Certification Training	May 4-7, 2015	Albuquerque, NM
Hazardous Material General Awareness Transportation Training	May 5, 2015	Richland, WA
Load Securement for Drivers and Traffic Personnel	May 6, 2015	Richland, WA
Federal Motor Carrier Safety Regulations for Drivers	May 7, 2015	Richland, WA
Basic Level Transportation Training – Module 1 – Basic Hazardous Material	May 11-12, 2015	Richland, WA
Basic Level Transportation Training – Module 2 – Basic Hazardous Waste	May 13, 2015	Richland, WA
Basic Level Transportation Training – Module 3 – Basic Radioactive Material	May 13-14, 2015	Richland, WA
*Attend all three modules consecutively for \$1,495.00 (savings of \$575.00)		
Advanced Mixed Waste Shipper Certification Training	May 18-21, 2015	Richland, WA
Hazardous Materials Drivers Training	May 19, 2015	Richland, WA

March - 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 Materials Drivers Training	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
*Attend all three modules consecutively for \$1,495.00 (savings of \$575.00)		
Highway Route Control Quantity (HRCQ)	June 9, 2015	Richland, WA
DOT/NRC Radioactive Waste Packaging, Transportation and Disposal Training	June 9-12, 2015	Myrtle Beach, SC
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
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
*Attend all three modules consecutively for \$1,495.00 (savings of \$575.00)		
Hazardous Material General Awareness Transportation Training	July 7, 2015	Richland, WA
Load Securement for Drivers and Traffic Personnel	July 8, 2015	Richland, WA
Hazardous Materials Drivers Training	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
*Attend all three modules consecutively for \$1,495.00 (savings of \$575.00)		
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, 2105	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