

Q1 2018 NEWS

NRC Issues Part 37 Common

Security Challenges—The Nuclear Regulatory Commission (NRC) has issued Regulatory Issue Summary (RIS) 2018-01: “Common Violations Cited During First 2 Years of 10 CFR Part 37, “Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material” on January 22, 2018 to: (1) provide an overview of the requirements of Part 37 of Title 10 of the Code of Federal Regulations (10 CFR Part 37), “Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material,” and highlight differences from the security orders issued prior to the promulgation of 10 CFR Part 37; (2) provide an overview of the NRC’s staff assessment of the effectiveness of 10 CFR Part 37; (3) inform of common violations that the NRC has identified during inspections conducted to verify compliance with the requirements of 10 CFR Part 37, in order to raise awareness of these particular violations and reduce their occurrence; and (4) remind everyone of resources available to answer questions and clarify issues regarding 10 CFR Part 37 rule implementation. RIS 2018-01 can be downloaded at the [NRC Document Collections website](#).

IATA DGR 59th Edition Addendum

One—The International Air Transport Association (IATA) published Addendum 1 to the IATA Dangerous Goods Regulations (DGR) on 22 December 2017. There are several amendments and corrections to the 59th Edition that became effective from 01 January 2018 to include:

- New or amended Operator Variations in Section 2.8.4
 - For example: Federal Express (FX-03) revised the last sentence in (a) to state: “The following UN numbers are prohibited when the contents include Plutonium 239 (PU 239) or Plutonium 241 (PU 241): UN 3324, UN 3325, UN 3326, UN 3327, UN 3328, UN 3329, UN 3330, UN 3331 and UN 3333.”
- Revised lithium battery-powered electronic devices in checked baggage in TABLE 2.3.A: Provisions for Dangerous Goods Carried by Passengers or Crew in Subsection 2.3 by adding: “Baggage

equipped with a lithium battery, other than lithium button cells, the battery must be removable. If offered as checked baggage the battery must be removed and carried in the cabin.”

- Revised the Label figures for Class 9-Lithium Batteries, Class 9-Magnetized Material, Cargo Aircraft Only, Cryogenic Liquids, Package Orientation Alternate Design, and Keep Away From Heat in Section 7
- Revised Step 9 in 10.8.3.9.3 Third Sequence-Packing Instructions by moving “The Transport Index must be rounded up to the first decimal place” from paragraph (c) to (b)
- Amended State contact details in Appendix D.1

Download the full addendum at: [IATA DGR Downloads](#) for the complete list of all amendments.

NRC Updated Advanced Notification

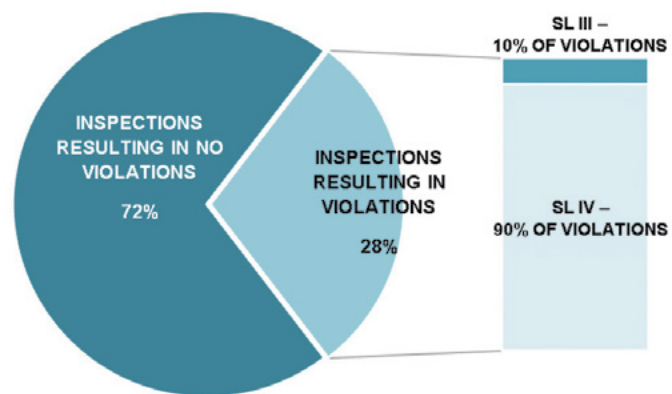
Designee List—The Nuclear Regulatory Commission (NRC) has updated the list of individuals to receive advance notification of radioactive material and nuclear material shipments required by either 10 CFR Part 37 (Category 1 and 2), Part 71 (HRCQ) or Part 73 (Spent Nuclear Fuel) on March 1, 2018. This

list of States, Territories and Participating Tribes can be downloaded from the NRC website at <https://scp.nrc.gov/special/designee.pdf>

NRC Revises RIS 2005-31 Security

Info. Handling—The Nuclear Regulatory Commission (NRC) has issued Revision 1 to Regulatory Issue Summary (RIS) 2005-31: “Control of Security-Related Sensitive Unclassified Non-Safeguards Information Handled By Individuals, Firms, and Entities Subject to NRC Regulation of the Use of Source, Byproduct, and Special Nuclear Material” (ML16196A237) on December 26, 2017. The NRC has developed criteria enclosed in this RIS for identifying security-related sensitive information that the staff encourages licensees to screen out or to mark and protect as sensitive information, particularly before those licensees that handle source, byproduct, or special nuclear material submit documents to the NRC. The advice in this RIS and its enclosures does not apply to classified information, Safeguards Information, or Safeguards Information-Modified Handling, which by law must be withheld from the public. This updated RIS may be downloaded from the NRC Generic Communications Webpage: <https://www.nrc.gov/reading-rm/doc-collections/gen-comm/reg-issues/2005/>

NRC ENFORCEMENT ACTIONS:
10 CFR PART 37 OVERSIGHT (MARCH 2014-MARCH 2016)



AAHP Continuing Education

Credits—Good news for those of you who enjoy attending our transportation training classes and receiving continuing education credits (CEC) for the maintenance of your professional certification. The American Academy of Health Physics (AAHP) has evaluated the below courses and granted continue credit for attending in the calendar years of 2017 to 2020. This information is also posted to the [AAHP website](#).

ID	Title	CEC
2017-00-106	DOT/NRC Radioactive Waste Packaging, Transport, and Disposal	40
2017-00-107	Advanced DOT/NRC Radioactive Waste Packaging, Transport and Disposal	16
2017-00-108	DOT/NRC/EPA Hazardous Waste/Mixed Waste Packaging, Transport and Disposal	40
2017-00-109	Air Transport of Radioactive Materials (IATA/DOT)	8
2017-00-110	International Water Transport of Radioactive Materials (IMDG)	16
2017-00-111	Radiological Control Technician Radioactive Material Transportation Training	8
2017-00-112	IATA Air Transport of Radioactive Material Online Training	8

Important Dates to Remember

- January 1, 2018** - Uranium hexafluoride (UF6): add Division 6.1 poisonous material (HM-215N, 82 FR 15796, March 30, 2017)
 - IATA DGR 59th Edition compliance
 - IMDG Code Amendment 38-16 compliance
- June 30, 2018** - EPA plans to launch and begin the operation of the e-Manifest system
- January 1, 2019** - Labels must have a 2mm inner border (HM-215M, 80 FR 1076, January 8, 2015 & HM-215N, 82 FR 15796, March 30, 2017)

Placards: How High Should They Go?

I was asked by a few drivers to convey the need to lower the placement of placards on freight containers, like SeaLands, C-Vans, Intermodals, Conex Boxes, etc. If the placards are placed at eye level when the container is on the ground, then the placards would be out of reach when lifted on top of a flatbed conveyance. So, the suggestion is to place the placards on the lower portion of the container to make the placards readily accessible for the carrier to maintain them. Seems like a win-win solution to place the placards within arm's reach of the driver standing on the ground should the placard need to be cleaned or replaced. We would love to hear your feedback if this is practical, or something we did not think about until now and/or a bad idea because of _____.

Let us know what you think.



IMO Updates IMDG Code 38-16

International Maritime Organization (IMO) has published a Corrigenda dated December 2017 for the International Maritime Dangerous Goods (IMDG) Code 2016 edition incorporating Amendment 38-16. These regulations and updates are for shippers of dangerous goods (hazardous material) transported in international waters. This Corrigenda makes many editorial corrections to both volumes of the IMDG Code (Amendment 38-16) which are effective January 1, 2018 to include the following.

- Revised Surface contaminated object (SCO) definition in Section 2.7.2.3.2
 - Editorial correction in Table 2.7.2.4.1.2: Classification as excepted package
 - Amended the proper shipping name marking display on cargo transport units in Section 5.3.2.0.2
 - Revised references in Section 6.4.2.11: General provisions for the construction, testing and approval of packages for radioactive material
 - Editorial and reference corrections in Section 6.4.23
- Applications for approval and approvals for radioactive material transport
- Insert special provision code "368" in Column 6 of the Dangerous Goods List in Chapter 3.2 for the entry of UN 2908
 - Insert special provision code "325" in Column 6 of the Dangerous Goods List in Chapter 3.2 for the entry of UN 2913
- Please take the time to download your own copy of these updates and more from the [IMO IMDG Code webpage](#)



FAQs

Topic: Emergency Response Telephone Requirements for Hazardous Material Shipments

*** Do I have to list the name of the ER organization with the ER phone number on the shipping paper?** Reference # 11-0152

No, the HMR does not require the name of the ERI provider (such as ChemTel or Chemtrex) to be noted on a shipping paper.

How quickly do I need access to a person that is knowledgeable of the shipment? Reference # 00-0280, 01-0176, 15-0108

NRC IN 92-62 states up to 15 minutes is satisfactory, but DOT states that only a "few"

minutes is acceptable for an emergency responder to wait for incident mitigation information.

*** Can I list more than one telephone number on the shipping papers?** Reference # 01-0018, 06-0056

Yes you can, as long as both numbers meet the monitoring requirements. They can even be for a specific time period of the day, like one for normal business hours and the other for evenings and weekends. You will need to specify the hours and time zone for each.

*** Must the telephone number be continuously monitored even during layovers and/or shipping outside the borders of the USA?** Reference # 01-0159, 15-0108

Yes, the monitoring requirements remain in effect until the shipment reaches its destination.

*** Does the person answering the phone need to provide more information than what is in the ERG and on the shipping papers?** Reference # 01-0176, 15-0108

Yes, the person should be much more knowledgeable.

*** Can the phone call require a single button patch to another phone number?** Reference # 05-0091, 17-0006

Yes, as long as it is only a one-stroke patch through to a person that has comprehensive emergency response and incident mitigation information that does not create undue delay.

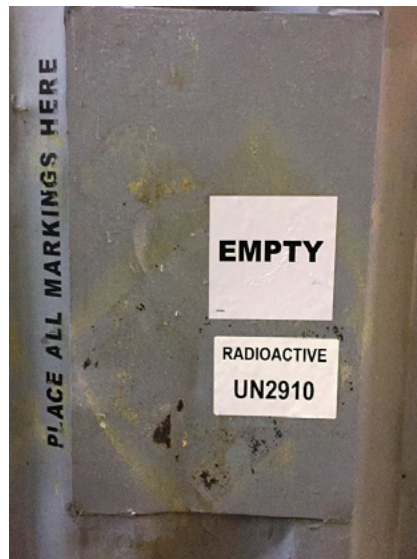
To access any DOT letters of interpretation, go to: <http://www.phmsa.dot.gov/hazmat> Then, click on: "Interpretations" Next, you can search by entering the reference number in the search box or search by the applicable regulatory section number, or search by the published date.

pop
quiz



Is this orange panel outer border correct?

Should the bottom border be like the top and side border? Keep an eye out for oddly manufactured markings, labels and placards. The black outer border on any orange panel should be 15mm on all sides per 49 CFR 172.332(b)(1). Good catch by the shipper who caught this skinny bottom border and sent us this picture. Thank you!



So, which is this? Is this an "EMPTY" shipment or is it a "Limited Quantity" shipment?

Did someone forget to remove the empty label and shipped it as UN2910? Or is this empty and did not remove the limited quantity "Radioactive" & "UN2910" markings? Make sure anyone helping with package communications is knowledgeable, focused and trained per 49 CFR 172 Subpart H for this function.



How is this for a placard outer border?

What would the inner border look like if the inner border was drawn exactly 12.5mm from the outer border as per 49 CFR 172.519(c)(1)? Yes, the outer border is required when a radioactive class 7 placard is placed on a non-contrasting background per 49 CFR 172.516(c)(7).



THE LATEST HAPPENINGS

IN THE FEDERAL REGISTER

DOT RESCINDING RAIL BRAKING REQUIREMENT—On December 13, 2017 (82 FR 58582), the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a notice announcing they have determined the HM-251 Final Rule's electronically controlled pneumatic (ECP) brake requirements are not economically justified (the expected benefits do not exceed the expected costs), so both the PHMSA and the Federal Railroad Administration (FRA) will initiate a rulemaking to rescind the necessary regulatory provisions. The HM-251 Final Rule was published on May 8, 2015 (80 FR 26643) which adopted requirements intended to reduce the consequences and, in some instances, reduce the probability of accidents involving trains transporting large quantities of flammable liquids. The Final Rule defined certain trains transporting large volumes of flammable liquids as high-hazard flammable trains (HHFT) and others as high-hazard flammable unit trains (HHFUT). The Final Rule required HHFUTs transporting at least one flammable liquid classified as a packing group I material be operated with an ECP braking system by January 1, 2021, and all other HHFUTs be operated with an ECP braking system by May 1, 2023.

CMV PERSONAL USE GUIDANCE PROPOSED CHANGE—On December 19, 2017 (82 FR 60269), the Federal Motor Carrier Safety Administration (FMCSA) published a notice proposing to revise the regulatory guidance (49 CFR 395.8, Question 26) concerning driving a commercial motor vehicle (CMV) for personal use while off-duty, referred to as "personal conveyance." This provision is available to all CMV drivers required to record their hours of service (HOS) who are permitted by their employer to use the vehicle for personal use. The proposed revision to the guidance (62 FR 16370, 16426, April 4, 1997) eliminates the requirement that the CMV be unladen and thus the disparate impact created by the previous guidance of not allowing drivers of single-unit work trucks that carry loads, as well as tools of trade and related materials, on the power unit to document this off-duty time. FMCSA requests public comments on the guidance and its economic impact. Submit comments by January 18, 2018.

EPA REVISES HAZWASTE EXPORT-IMPORT — ON December 26, 2017 (82 FR 60894), the Environmental Protection Agency (EPA) published a final rule amending 40 CFR Parts 260, 261 and 262 regarding the export and import of hazardous wastes from and into the United States. Specifically, this rule applies a confidentiality determination such that no person can assert confidential business information (CBI) claims for documents related to the export, import, and transit of hazardous waste and export of excluded cathode ray tubes (CRTs). EPA is making these changes to apply a consistent approach in addressing confidentiality claims for export and import documentation. The rule will result in cost-savings and greater efficiency for EPA and the regulated community as well as facilitate transparency with respect to the documents that are within the scope of this rulemaking. However, EPA is not finalizing the proposed internet posting requirement in the proposed rule. The final rule is effective on June 26, 2018.

EPA E-MANIFEST SYSTEM UPDATE —On January 03, 2018 (83 FR 420), the Environmental Protection Agency (EPA) published a final rule establishing the methodology the EPA will use to determine and revise the user fees applicable to the electronic and paper manifests to be submitted to the national electronic manifest system (e-Manifest system) that EPA is developing under the Hazardous Waste Electronic Manifest Establishment Act. After the e-Manifest system's implementation date, certain users of the hazardous waste manifest will be required to pay a prescribed fee for each electronic and paper manifest they use and submit to the national system so that EPA can recover the costs of developing and operating the national e-Manifest system. This final rule also announces the date when EPA expects the system to be operational and available to users. EPA will begin accepting manifest submissions and collecting the corresponding manifest submission fees on this date. In addition, this action announces final decisions and regulations relating to several non-fee related matters that were included in the proposed rule. This includes modifying the existing regulations to: allow changes to the transporters designated on a manifest while

the shipment is en route; describe how data corrections may be made to existing manifest records in the system; and amend the previous e-Manifest regulation (the One Year Rule) to allow the use, in certain instances, of a mixed paper and electronic manifest to track a hazardous waste shipment. This final rule is effective on June 30, 2018.

EPA CIVIL MONETARY PENALTY INFLATION ADJUSTMENT — On January 10, 2018 (83 FR 1190), the Environmental Protection Agency (EPA) published a final rule in the federal register to adjust the level of statutory civil monetary penalty amounts under the statutes EPA administers. This action is mandated by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended through the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 ("the 2015 Act"). The 2015 Act prescribes a formula for annually adjusting statutory civil penalties to reflect inflation, maintain the deterrent effect of statutory civil penalties, and promote compliance with the law. The rule does not necessarily revise the penalty amounts that EPA chooses to seek pursuant to its civil penalty policies in a particular case. EPA's civil penalty policies, which guide enforcement personnel in how to exercise EPA's statutory penalty authorities, take into account a number of fact-specific considerations, e.g., the seriousness of the violation, the violator's good faith efforts to comply, any economic benefit gained by the violator as a result of its noncompliance, and a violator's ability to pay. This final rule is effective on January 15, 2018.

COAST GUARD AMENDS INLAND NAVIGATION RULES —On January 24, 2018 (83 FR 3273), the Department of Homeland Security (DHS) Coast Guard (CG) published a final rule to make technical, non-substantive amendments to remove the word "danger" from the Coast Guard's Inland Navigation Rule regarding Maneuvering and Warning Signals, and to align 33 CFR Part 83 with the International Maritime Organization's (IMO) International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS). This final rule is effective January 24, 2018.



THE LATEST HAPPENINGS

IN THE FEDERAL REGISTER

DOT STATED SPECIFICATION PACKAGING DEFINITION —On February 05, 2018 (83 FR 5037), the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a CFR Correction reinstating the definition of “specification packaging” in 49 CFR 171.8 Definitions and abbreviations to read as follows: Specification packaging means a packaging conforming to one of the specifications or standards for packaging in part 178 or part 179 of this subchapter.

WATERS OF THE UNITED STATES DEFINITION APPLICABILITY —On February 06, 2018 (83 FR 5200), the Environmental Protection Agency (EPA) and the Department of the Army (Army) published a final rule adding an applicability date to the “Clean Water Rule: Definition of ‘Waters of the United States’” published June 29, 2015 (the “2015 Rule”) of February 6, 2020. On August 27, 2015, the U.S. District Court for the District of North Dakota enjoined the applicability of the 2015 Rule in the 13 States challenging the 2015 Rule in that court. On October 9, 2015, the U.S. Court of Appeals for the Sixth Circuit stayed the 2015 Rule nationwide pending further action of the court. On January 22, 2018, the Supreme Court held that the courts of appeals do not have original jurisdiction to review challenges to the 2015 Rule. With this final rule, the agencies intend to maintain the status quo by adding an applicability date to the 2015 Rule and thus providing continuity and regulatory certainty for regulated entities, the States and Tribes, and the public while the agencies continue to consider possible revisions to the 2015 Rule. This rule is effective on February 6, 2018.

EPA MAKES TWO CFR CORRECTIONS —On February 07, 2018 (83 FR 5340), the Environmental Protection Agency (EPA) published two (2) CFR corrections to reinstate in the July 1, 2017 edition of 40 CFR 261.6, paragraph (a)(2)(iv) on page 64 to read as follows: “Spent lead-acid batteries that are being reclaimed (40 CFR part 266, subpart G).” and reinstate the heading of Subpart C in 40 CFR Part 261 on page 67 to read as follows: “Characteristics of Hazardous Waste”.

NRC SEEKS GTCC & TRU DISPOSAL COMMENTS —On February 07, 2018 (83 FR 6475), the Nuclear Regulatory Commission (NRC) published a notice seeking public participation and involvement in identifying the various technical issues that should be considered in the development of a regulatory basis for the disposal of Greater-than-Class C (GTCC) and Transuranic (TRU) radioactive waste through means other than a deep geologic disposal, including near surface disposal. The NRC is requesting that stakeholders respond to three (3) questions discussed in Section IV, “Specific Request for Comments,” of this federal register notice, which include: Question 1: What are the important radionuclides that need to be considered for the disposal of the GTCC and TRU wastes?; Question 2: How might GTCC and TRU wastes affect the safety and security of a disposal facility during operations (i.e., pre-closure period)?; and Question 3: How might GTCC and TRU wastes affect disposal facility design for post-closure safety including protection of an inadvertent intruder? Please submit comments by April 16, 2018.

NRC SEEKS VERY LOW LEVEL WASTE DISPOSAL COMMENTS —On February 07, 2018 (83 FR 6619), the Nuclear Regulatory Commission (NRC) published a notice seeking public input and perspectives on a scoping study concerning Very Low-Level Radioactive Waste (VLLW) to identify possible options to improve and strengthen the NRC’s regulatory framework for the disposal of the anticipated large volumes of VLLW associated with the decommissioning of nuclear power plants and material sites, as well as waste that might be generated by alternative waste streams that may be created by operating reprocessing facilities or a radiological event. Respondents are asked to consider specific questions posed by the NRC staff and other Federal agencies in Section III of this notice when preparing their responses. These include: What should the NRC consider in developing its own regulatory definition for VLLW?; Is there another definition of VLLW that should be considered?; Should the NRC revise the waste classification system to establish a new category for VLLW?;

What criteria should NRC consider in establishing the boundary between Class A and VLLW categories?; Should the NRC expand the existing alternative disposal request guidance to include VLLW disposal or consider the development of a new guidance for VLLW disposal?; If the NRC were to create a new waste category for VLLW in 10 CFR Part 61, what potential compatibility issues related to the approval of VLLW disposal by NRC Agreement States need to be considered and addressed?; How might defining VLLW affect NRC Agreement State regulatory programs in terms of additional responsibilities or resources?; If the NRC were to create a new waste category for VLLW, does it fall within regional compact authority to control VLLW management and disposal?; How might defining VLLW affect regional compacts in terms of additional responsibilities or resources?; How would NRC incorporate and apply waste analysis requirements for VLLW at RCRA Subtitle C and D facilities?; Should the NRC impose concentration limits and/or treatment standards for VLLW disposal?; Are there any unintended consequences associated with developing a VLLW waste category?; What analytical methods/tools should be used to assess the risk of disposing of VLLW at licensed LLW disposal facilities or RCRA Subtitle C and D facilities?; and How should economic factors be considered in the VLLW Scoping Study? Please submit comments by May 15, 2018.

2018 COMMERCIAL TRAINING SCHEDULE

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

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

COURSE	DATE	CEU**	TUITION	LOCATION
DOT/NRC/EPA Hazardous Waste/Mixed Waste Packaging, Transportation & Disposal	March 19 - 23	32	\$1,995	Salt Lake City, UT
Clive Disposal Site Facility Tour	March 22	--	\$0	Clive, UT
DOT/NRC Radioactive Waste Packaging, Transportation & Disposal	April 23 - 26	32	\$1,895	Surfside Beach, SC
Air Transport of Radioactive Materials (IATA/DOT)	April 27	8	\$945*	Surfside Beach, SC
DOT/NRC Radioactive Waste Packaging, Transportation & Disposal	June 4 - 7	32	\$1,895	Monterey, CA
Air Transport of Radioactive Materials (IATA/DOT)	June 8	8	\$945*	Monterey, CA
DOT/NRC/EPA Hazardous Waste/Mixed Waste Packaging, Transportation & Disposal	July 16 - 20	32	\$1,995	Oak Ridge, TN
Bear Creek Operations (BCO) Facility Tour	July 19	--	\$0	Oak Ridge, TN
DOT/NRC Radioactive Waste Packaging, Transportation & Disposal	July 30 - Aug. 2	32	\$1,895	Orlando, FL
Air Transport of Radioactive Materials (IATA/DOT)	Aug 3	8	\$945*	Orlando, FL
DOT/NRC/EPA Hazardous Waste/Mixed Waste Packaging, Transportation & Disposal	Sept. 10 - 14	32	\$1,995	Columbia, SC
Barnwell Disposal Site & Processing Facilities Tour	Sept. 13	--	\$0	Barnwell, SC
DOT/NRC Radioactive Waste Packaging, Transportation & Disposal	October 22 - 25	32	\$1,895	Hilton Head, SC
Air Transport of Radioactive Materials (IATA/DOT)	October 26	8	\$945*	Hilton Head, SC
DOT/NRC Radioactive Waste Packaging, Transportation & Disposal	Dec. 3 - 6	32	\$1,895	Henderson, NV
Air Transport of Radioactive Materials (IATA/DOT)	Dec. 7	8	\$945*	Henderson, NV

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

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

