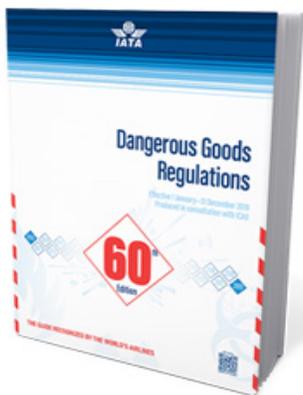


Q4 2018 NEWS

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 **November 19, 2018**. This list of States, Territories and Participating Tribes can be downloaded from the NRC website at <https://scp.nrc.gov/special/designee.pdf>



2019 IATA DGR 60th Edition

The new edition of the International Air Transport Association (IATA) Dangerous Goods Regulations (DGR) is now available and will be effective starting 01 January 2019. Check out the list of Significant Changes for the 60th 2019 Edition at: [IATA DGR Downloads](#). Find all the changes by purchasing the 2019 edition and comparing the reference marks indicating any deletions, revisions and additions to the 2018 edition. In order to stay up to date, we suggest attending one of our IATA courses that are available on Fridays during our regularly scheduled DOT/NRC Radioactive Shipping Workshops, also available online, or schedule the one-day IATA course on your site.

Packaging, Transportation & Disposal Update Seminar

During the EnergySolutions January 2019 Annual Conference, we will be presenting a workshop to allow an open forum on DOT, NRC & EPA recent & upcoming regulatory changes, lessons learned (operating experience) on packaging, transportation & disposal of radioactive material and mixed waste.

Seasonal Safety

Winter is coming for some of us and already upon the rest. Be prepared for freezing temperatures anywhere, including your vehicle becoming disabled for some reason. An emergency warmth blanket in your vehicle's glovebox could mean the difference between life or death! Maintain your questioning attitude in every situation, especially asking, "What is the worst thing that could happen?"



Important Dates to Remember

June 30, 2018

- EPA launched e-Manifest system, TSDFs required to submit completed manifests

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)
- Begin voluntary IMDG Code 2018 Edition Amendment 39-17 compliance
- Begin using the IATA DGR 60th Edition

FAQs

Topic: Permissive and prohibited marking and labeling

*** May labels overlap with adjacent labels so long as all of the text, symbols, and borders of each label remain clearly visible and distinct?** *Reference # 10-0160*

No, labels must be clearly visible and may not be obscured by markings or attachments. Labels may not cover or overlap one another.

*** Can I apply other informational labels which are close in color and shape as DOT required communications?**

Reference # 12-0150; 12-0167

No, displaying or affixing a sign, advertisement, slogan, or device that, by its color, design, shape, or content, could

be confused with, or mistaken for, a hazard warning label or placard is prohibited.

*** Can I apply and/or leave required OSHA GHS HazCom pictograms on a package for transportation?** *Reference # 13-0208; 14-0026*

Yes you can, 49 CFR 172.401(c)(5) excepts packages labeled in conformance with GHS requirements from the prohibition in 49 CFR 172.401(b) which prohibits a package bearing any marking or label which by its color, design, or shape could be confused or conflict with a hazard warning label prescribed in the HMR.

*** Can you permissive mark and/or label a package even when the HMR do not require such marking or label?**

Reference # 12-0110; 12-0146; 13-0192; 14-0103

Yes, it is permissive to mark or label a package so long as they represent the material and hazards present during transportation.

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.

popquiz



This is interesting use of the white background space required on the Empty label!?! Seems very efficient, but is this compliant with the Empty label specifications in 49 CFR 172.450? Hopefully you answered "no" with yellow colored tape added.



Is placard durability and visibility during transport important? Should both the shipper and carrier be responsible to meet the placard requirements in 49 CFR 172 Subpart F? Yes to both! 49 CFR 172.516(c) states placards must be securely attached and carriers must maintain placards. Also, 172.519(a) requires the placard to be able to survive normal conditions of transport.



Anything wrong with the limited quantity marking? 49 CFR 172.315 states the black tips must be on the top and bottom, not the sides. Placarding is permissive, but it is required for limited quantities of material? 49 CFR 172.500(b)(3) excepts limited quantities from the placarding requirements. Does the orange panel allow the letters "UN" to be included? 49 CFR 172.332(b)(4) states the orange panel "shall" be as illustrated and the included illustration does not contain any letters. Lastly, the orange panel marking is peeling off the freight container's surface at the top right corner.



THE LATEST HAPPENINGS

HIGH HAZARD FLAMMABLE UNIT TRAIN BRAKES UPDATE—On September 25, 2018 (83 FR 48393), the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a final rule in coordination with the Federal Railroad Administration (FRA) to remove requirements pertaining to electronically controlled pneumatic brake systems on high-hazard flammable unit trains. This final action is based on the Department of Transportation's determination that the requirements are not economically justified. This final rule is effective September 25, 2018.

BROKER AND FREIGHT FORWARDER FINANCIAL RESPONSIBILITY—On September 27, 2018 (83 FR 48779), the Federal Motor Carrier Safety Administration (FMCSA) published an Advance Notice of Proposed Rulemaking (ANPRM) initiating rulemaking action pertaining to the implementation of the Moving Ahead for Progress in the 21st Century Act (MAP-21). MAP-21 raised the financial security amount for brokers to \$75,000 and, for the first time, established financial security requirements for freight forwarders. In this ANPRM, FMCSA is considering eight separate areas: Group surety bonds/trust funds, assets readily available, immediate suspension of broker/freight forwarder operating authority, surety or trust responsibilities in cases of broker/freight forwarder financial failure or insolvency, enforcement authority, entities eligible to provide trust funds for form BMC-85 trust fund filings, Form BMC-84 and BMC-85 trust fund revisions, and household goods (HHG). FMCSA seeks comments and data in response to this ANPRM. Comments on this document must be received on or before November 26, 2018.

FEDERAL MOTOR CARRIER SAFETY REGULATIONS MISC AMENDMENTS—On September 27, 2018 (83 FR 48721), the FMCSA published a final rule to amend its regulations by making technical corrections throughout the Federal Motor Carrier Safety Regulations (49 CFR Parts 360, 380, 382, 385, 390, 391, 395, 396 and 397). FMCSA is making minor changes to correct inadvertent errors and omissions, remove or update obsolete references, and improve the clarity and

consistency of certain regulatory provisions. This final rule is effective September 27, 2018.

USE OF LISTSERV FOR DECOMMISSIONING AND URANIUM RECOVERY SITE CORRESPONDENCE—On October 01, 2018 (83 FR 49434), the Nuclear Regulatory Commission (NRC) published a notice to inform the public that, as of October 1, 2018, publicly available decommissioning and uranium recovery site correspondence originating from the Division of Decommissioning, Uranium Recovery, and Waste Programs (DUWP) in the Office of Nuclear Material Safety and Safeguards (NMSS) will be transmitted by a computer-based email distribution system Listserv to addressees and subscribers. This change does not affect the availability of official agency records in the NRC's Agencywide Documents Access and Management System (ADAMS). Individuals may subscribe to receive licensing correspondence for decommissioning and uranium recovery through the steps listed in this notice. The NRC will continue to send duplicate hard copies of correspondence through November 1, 2018 to allow individuals adequate time to subscribe.

FHWA 23 CFR PART 658 CORRECTIONS—On October 02, 2018 (83 FR 49487), the Federal Highway Administration (FHWA) published a final rule making a technical correction in 23 CFR Part 658 that governs Longer Combination Vehicles (LCV) for the Commonwealth of Pennsylvania and the State of Ohio. The amendments contained herein make no substantive changes to FHWA regulations, policies, or procedures. This final rule is effective November 1, 2018.

NRC REVISES REGGUIDE 3.71 NUCLEAR CRITICALITY SAFETY—On October 03, 2018 (83 FR 49956), the NRC published a notice about issuing Revision 3 to Regulatory Guide (RG) 3.71, "Nuclear Criticality Safety Standards for Nuclear Materials Outside Reactor Cores." Revision 3 endorses guidance in multiple American National Standards Institute/American Nuclear Society (ANSI/ANS)-8 standards, as well as a specific International Organization for Standardization (ISO) Standard. In addition, the scope of this guide is expanded

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to include packaging and transportation and certain storage facilities because many of the standards are based on broad principles that are not limited solely to fuel processing facilities. Revision 3 to RG 3.71 is available on October 3, 2018.

HIGH-LEVEL RADIOACTIVE WASTE DEFINITION COMMENT REQUEST

On October 10, 2018 (83 FR 50909), the U.S. Department of Energy (DOE) published a notice requesting public comment on its interpretation of the definition of the statutory term "High-Level Radioactive Waste" (HLW) as set forth in the Atomic Energy Act of 1954 and the Nuclear Waste Policy Act of 1982. This statutory term indicates that not all wastes from the reprocessing of spent nuclear fuel ("reprocessing wastes") are HLW, and DOE interprets the statutory term such that some reprocessing wastes may be classified as not HLW ("non-HLW") and may be disposed of in accordance with their radiological characteristics. DOE invites stakeholders to submit written comments on its interpretation. A 60-day public comment period begins on October 10, 2018 and ends on December 10, 2018. Only comments received through one of the methods described in this notice will be accepted. DOE will consider all comments received or postmarked by December 10, 2018.

NRC EXTENDS COMMENT PERIOD ON DRAFT NUREG-2224—On October 10, 2018 (83 FR 50965), the NRC published a notice to reopen the public comment period in the notice originally published in the federal register on August 9, 2018 (83 FR 39475). NRC is allowing more time for members of the public to develop and submit their comment on draft NUREG-2224, "Dry Storage and Transportation of High Burnup Spent Nuclear Fuel." The draft NUREG provides technical background information applicable to high burnup spent nuclear fuel (HBU SNF), provides an engineering assessment of recent NRC-sponsored mechanical testing of HBU SNF, and proposes example approaches for licensing and certification of HBU SNF in transportation and dry storage. Draft NUREG-2224 is available in NRC's



THE LATEST HAPPENINGS

Agencywide Documents Access and Management System (ADAMS) under Accession No. ML18214A132. Please submit comments on the draft NUREG-2224 by November 9, 2018. 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 on or before this date.

DOT HAZMAT AIR TRANSPORT MISC UPDATES—On October 18, 2018 (83 FR 52878), the PHMSA published a final rule in coordination with the Federal Aviation Administration (FAA) to align the U.S. Hazardous Materials Regulations (HMRs) with current international standards for the air transportation of hazardous materials. These amendments revise certain special provisions, packaging requirements, information to the pilot-in-command requirements, and exceptions for passengers and crewmembers in 49 CFR Parts 172 & 175. In addition to facilitating harmonization with international standards, several of the amendments in this rule are responsive to petitions for rulemaking submitted by the regulated community. This final rule is effective October 18, 2018. Unless otherwise specified, compliance with the amendments adopted in this final rule is required beginning October 18, 2019.

NRC MANIFEST INSTRUCTIONS REV3 COMMENT REQUEST—On October 30, 2018 (83 FR 54620), the NRC published a notice to request comments on a draft NUREG/BR-0204, Rev. 3, "Instructions for Completing NRC's Uniform Low-Level Radioactive Waste Manifest." This document provides instructions to prepare NRC Form 540 (Uniform Low-Level Radioactive Waste Manifest (Shipping Paper)), NRC Form 541 (Uniform Low-Level Radioactive Waste Manifest (Container and Waste Description)), and NRC Form 542 (Uniform Low-Level Radioactive Waste Manifest (Manifest Index and Regional Compact Tabulation)). NRC Forms 540 and 541 must be prepared for low-level radioactive waste intended for ultimate disposal at a licensed low-level radioactive waste land disposal facility. NRC Form 542 is required only if processors and collectors of low-level radioactive waste are shipping low-level radioactive waste

attributed to others for disposal at a licensed low-level radioactive waste land disposal facility. Please submit comments by December 31, 2018. 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 before this date.

DOT MISC HAZMAT REG UPDATES—On November 07, 2018 (83 FR 55792), the PHMSA published a final rule amending the Hazardous Materials Regulations in response to 19 petitions for rulemaking submitted by the regulated community to update, clarify, streamline, or provide relief from miscellaneous regulatory requirements in 49 CFR 171 - 180. By adopting these deregulatory amendments, PHMSA is allowing more efficient and effective ways of transporting hazardous materials in commerce while maintaining an equivalent level of safety. This final rule is effective December 7, 2018. The incorporation by reference of certain publications listed in this final rule is approved by the Director of the Federal Register as of December 7, 2018. The voluntary compliance date is November 7, 2018. Unless otherwise specified, compliance with the amendments adopted in this final rule is required beginning November 7, 2019.

NRC MAKES MISCELLANEOUS 10 CFR CORRECTIONS—On November 20, 2018 (83 FR 58463), the NRC published a final rule to amend its regulations to make miscellaneous corrections. These changes include removing obsolete language and correcting references, an appendix, operating hours, a telephone number, an inconsistency in a definition, and an office title. This document is necessary to inform the public of these nonsubstantive amendments to the NRC's regulations in 10 CFR Parts 26 thru 110. This final rule is effective on December 20, 2018.

NRC CORRECTS 10 CFR OFFICE DESIGNATIONS—On November 21, 2018 (83 FR 58721), the NRC published a final rule to amend its regulations to make miscellaneous corrections. These changes include removing an office from a list of office recipients,

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removing an office reference, correcting an office designation and a phone number, removing and correcting division titles, and removing a followup reporting instruction. This document is necessary to inform the public of these non-substantive amendments to the NRC's regulations in 10 CFR Parts 37 - 95. This final rule is effective on December 21, 2018.

DOT PROPOSES HMR UPDATE—On November 27, 2018 (83 FR 60970), the PHMSA published a Notice of Proposed Rulemaking (NPRM) to amend the Hazardous Materials Regulations (HMR) in 49 CFR Parts 171 - 180 to maintain alignment with international regulations and standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. These revisions are necessary to harmonize the HMR with recent changes made to the International Maritime Dangerous Goods (IMDG) Code, the International Civil Aviation Organization's (ICAO) Technical Instructions for the Safe Transport of Dangerous Goods by Air, and the United Nations Recommendations on the Transport of Dangerous Goods-Model Regulations. Additionally, PHMSA proposes several amendments to the HMR that would allow for increased alignment with the Transport Canada, Transportation of Dangerous Goods (TDG) Regulations. Comments must be received by January 28, 2019.

DOT INCREASES CIVIL PENALTIES—On November 27, 2018 (83 FR 60732), the US Department of Transportation (DOT) published a final rule in the federal register to provide the 2018 inflation adjustment to civil penalty amounts that may be imposed for violations of certain DOT regulations. This rule also finalizes the National Highway Traffic Safety Administration's and the Office of the Secretary's catchup inflation adjustment interim final rules required by the same Act. This final rule is effective on November 27, 2018.

2019 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 Radioactive Waste Packaging, Transportation & Disposal	Feb. 25 - 28	40	\$1,895	Mount Pleasant, SC
Air Transport of Radioactive Materials (IATA/DOT)	March 1	8	\$945*	Mount Pleasant, SC
DOT/NRC/EPA Hazardous Waste/Mixed Waste Packaging, Transportation & Disposal	March 18 - 22	40	\$1,995	Salt Lake City, UT
Clive Disposal Site Facility Tour	March 21	—	\$0	Clive, UT
DOT/NRC Radioactive Waste Packaging, Transportation & Disposal	April 8 - 11	40	\$1,895	Surfside Beach, SC
Air Transport of Radioactive Materials (IATA/DOT)	April 12	8	\$945*	Surfside Beach, SC
DOT/NRC Radioactive Waste Packaging, Transportation & Disposal	June 3 - 6	40	\$1,895	San Diego, CA
Air Transport of Radioactive Materials (IATA/DOT)	June 7	8	\$945*	San Diego, CA
DOT/NRC/EPA Hazardous Waste/Mixed Waste Packaging, Transportation & Disposal	July 15 - 19	40	\$1,995	Clinton, TN
Bear Creek Operations (BCO) Facility Tour	July 18	—	\$0	Clinton, TN
DOT/NRC Radioactive Waste Packaging, Transportation & Disposal	July 29 - Aug. 1	40	\$1,895	Orlando, FL
Air Transport of Radioactive Materials (IATA/DOT)	Aug 2	8	\$945*	Orlando, FL
DOT/NRC/EPA Hazardous Waste/Mixed Waste Packaging, Transportation & Disposal	Sept. 9 - 13	40	\$1,995	Columbia, SC
Barnwell Disposal Site & Processing Facilities Tour	Sept. 12	--	\$0	Barnwell, SC
DOT/NRC Radioactive Waste Packaging, Transportation & Disposal	October 21 - 24	40	\$1,895	Hilton Head, SC
Air Transport of Radioactive Materials (IATA/DOT)	October 25	8	\$945*	Hilton Head, SC
DOT/NRC Radioactive Waste Packaging, Transportation & Disposal	Dec. 2 - 5	40	\$1,895	Henderson, NV
Air Transport of Radioactive Materials (IATA/DOT)	Dec. 6	8	\$945*	Henderson, NV

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

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

