

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

Important Dates to Remember

TBD — Begin using NUREG/BR-0204 Revision 3 and new NRC LLRW manifests

January 1, 2021 — Begin using the 2021 IATA DGR 62nd Edition

May 10, 2021 — Delayed compliance on May 11, 2020 final rule HMR changes

September 1, 2021 — Begin SQG EPA re-notification and every four years

January 01, 2023 — Begin IATA Competency-based Training Standards

January 01, 2025 — Begin using updated IATA Shipper's Declaration forms

2021 IATA DGR 62ND 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 2021. Check out the list of Significant Changes for the 62nd 2021 Edition at: [IATA DGR Downloads](#). Please note the vast change in the training requirements located in Subsection 1.5, which is now the competency-based training standards copied from Appendix I in the 61st Edition. The old version of Subsection 1.5 from the 61st edition of the IATA DGR is now located in a newly added "Attachment A-Subsection 1.5-Training Requirements" to Appendix H in the new 62nd edition. These old training standards may continue to be used in place of the new provisions in Subsection 1.5 until December 31, 2022. Another noteworthy change is the adoption

of the 2018 Edition International Atomic Energy Agency (IAEA) Safety Standards Series No. SSR-6 Revision 1 for the air transport of radioactive material in Section 10. In order to stay up to date with all the changes, we suggest attending one of our IATA



courses available on Friday during our regularly scheduled DOT/NRC Radioactive Shipping Workshops or contact us to schedule an IATA course at your site.

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NRC UPDATES 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 December 8, 2020. This list of States, Territories and Participating Tribes designees can be downloaded from the NRC website at <https://scp.nrc.gov/special/designee.pdf>

New Load Securing CVSA Inspection Bulletin



The Commercial Vehicle Safety Alliance (CVSA) created a [new inspection bulletin](#) on September 28, 2020 to provide guidance regarding

acceptable standards and alternative means for securing roll-on/roll-off, hook-lift and lugger type containers on commercial motor vehicles

(CMV) to prevent forward, rearward and upward movement. This bulletin covers the regulatory CMV load securing requirements in both the USA (49 CFR Part 393 Subpart I) and Canada (National Safety Code Standard 10), and how to effectively accomplish these standards especially when an integral securement system is not equipped on a vehicle. Know before you load these types of containers to ensure the safety of the driver and public community, to prevent damage to containers and vehicle equipment, and to protect the environment.

Emergency Response Guidebook (ERG) Updates!

Pipeline and Hazardous Material Safety Administration (PHMSA) has updated the ERG on their [website](#) and provided many ways to view and download in either: [Data Files](#), [PDF](#), [Mobile App](#) or [Windows Software](#) formats. Changes include :

- Updating and reformatting the **white pages** (both front and back

pages) to an easier to read layout and language, adding the new Lithium Battery markings (page 9), a new “Decontamination” section (page 362) and basic information about heat induced tears (HIT) in the Boiling Liquid Expanding Vapor Explosion (BLEVE) section (pages 365 – 367); and improving the rail car and road trailer identification charts (pages 10 – 14)

- Adding “Note 3” and a list for chemical warfare agents in the **yellow pages** (pages 28 – 29) and blue pages (pages 92 -)
- Updating and reformatting the **orange pages** (Guides), adding cautions. Please note all Radioactive Material guides (161 – 166) had major revisions
- Revising the introduction and how to use the Tables in the **green pages**. Adding a visual tab in the border to differentiate between Tables 1, 2 and 3 in the green pages

Please take some time to learn how to use this important guidebook by

How Did You Celebrate DEC 2 WORLD NUCLEAR ENERGY DAY? *Powered by you.*



Did you setup or attend an event on December 02, 2020 celebrating nuclear energy and the people who made it happen? Did you research the significance of the date chosen for this annual celebration? We have so much to be thankful for when it comes to understanding the science of nuclear physics and its application to produce clean energy for all we do in life. If you missed out or just want more information, please visit their website at: <https://worldnuclear.org> to see the history, events, sponsors and connections.

reading through the white pages (how to instructions) and watching the [How to Use the ERG video](#) listed on the PHMSA website. Best time to know what actions will help us save lives and the environment is before an emergency happens!



Recent Lessons Learned, Industry Events, and Operating Experiences

Erroneous Entries!?!

What should be listed first, the id number or the proper shipping name? Hopefully you said the id number "UN2912" per 49 CFR 172.202. And, when did DOT change the order of the basic description for shipping papers? Did you guess right (December 29, 2006 final rule)? Also, when listing out additional descriptors like "non fissile" or "fissile-excepted" should you list both or one or the other? Did you say chose one or the other per 49 CFR 172.101(c)(2)? Be careful how you fill out shipping papers and ensure the document format is correct, especially with regulations constantly changing.

Number and Kind of Shipping Units	Haz Mat'l	Description (Proper Shipping Name)	Haz Class	UN or NA ID Number	Packing Group
Ten (10) 42 ft3 IP-1 bags	X	Radioactive Material, low specific activity (LSA-I) non fissile or fissile excepted.	7	UN2912	*

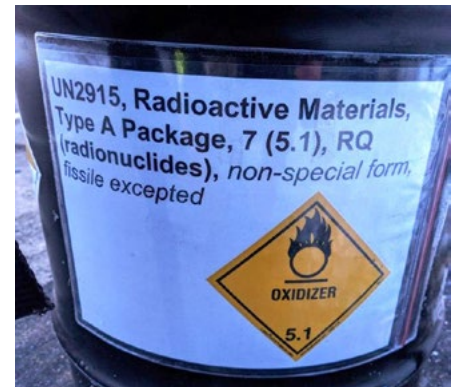
Pernicious Placards!?!

How many issues can you identify with these placards? **1. Should the same placard be on each of the four sides?** I see a class 9 placard on the left in this picture, but a blank on the right side. Placards should be on each side and each end per 49 CFR 172.504(a) and 172.512. **2. Should any colored tape be used to secure a placard to the package surface?** Hopefully, you said, "No!" except for high-quality clear tape. Tape applied to the placard could obscure the placard design and visibility, violating the requirements in 49 CFR 172.516 & 172.519. **3. Are there any requirements for the identification numbers displayed on a placard?** Yes, per 172.503, 172.332 & 172.334, ID numbers have placement, font type, size and color specifications.



Lurking Labels!

So, what do you think about placement of multiple labels on a package? Should primary and subsidiary labels be separated or close to each other? Did you say, "Very Close!?" The radioactive label is hard to see in this picture on the far-left side, but it should have been within 150 mm (6 inches) of the oxidizer label per 49 CFR 172.406(c). There are plenty of opportunities to miss a label requirement, so please review the labeling requirements and use peer reviews.



SEASONAL SAFETY

Winter is around the corner and so are freezing conditions. Be prepared for slippery walkways and roads. Winterize your home to prevent frozen water pipes and your vehicles to ensure they start and prevent any mechanical damage. Maintain your questioning attitude in every situation, especially asking, "What could be the worst thing that could happen?"

FAQ: Incident Reporting (49 CFR 171.15 & 171.16)

*** Who specifically is required to make the notifications to the National Response Center (NRC)?**

Reference No.: 04-0275, 07-0096, 10-0232 and 16-0153, and final rules: December 3, 2003 (68 FR 67,745) Page 67,751 and May 26, 2004 (69 FR 30,113) Page 30,116

Only the person in physical possession at the time an incident occurs in transportation has the responsibility to make the necessary reports. This is never the shipper nor consignee, after the driver leaves. The reports may be contracted out to a third party on behalf of the person in physical possession.

*** Does transportation by aircraft include the portion transported by road to/from an airport?**

Reference No.: 04-0049, 13-0085

Yes, incident reporting is required any time a hazardous material is in commerce which meets a condition outlined in 171.15(b) or 171.16(a).

*** Do I have to report a package damaged during transport containing radioactive material, when none of the contents is lost nor spreads contamination? Reference No.: 08-0213**

Yes, because "breakage" is included when to report incidents involving Class 7 radioactive material.

*** If an accident results in a fatality, but not from the hazardous material, is it reportable?**

Reference No.: 03-0028, 04-0049

No, only if by direct contact with the hazardous material caused the death or the person to be admitted into a hospital.

*** How much heat must be generated to be considered dangerous and require reporting?**

Reference No.: 13-0085, 16-0080

Warming or vibration is not enough to warrant reporting. Only when the safety of people or the packaging is compromised.

*** Does a spill of diesel fuel at a truck stop need to be considered for reporting?**

Reference No.: 03-0028, 12-0175

No, fuel for the vehicle is not considered cargo and would not need to be reported under the hazardous material regulations.

*** Does a shipper need to follow up after an incident occurred during transportation to ensure the carrier made all required notification?**

Reference No.: 04-0275 and 10-0232, and final rules: December 3, 2003 (68 FR 67,745) Page 67,751 and May 26, 2004 (69 FR 30,113) Page 30,116

There is no responsibility for shippers to report nor investigate, only the person in possession at the time of the incident has the responsibility to report.

DOT letters of interpretation can be found at: <https://www.phmsa.dot.gov>. Click on: "Regulations and Compliance" then "Interpretations" Next, you can search by entering the reference number in the search box or search by the applicable regulatory section number, or search by the published date. Do not forget that you have these internet addresses (and many more) in a PDF on our training class e-media handout.



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NRC Delays NUREG/BR-0204 Rev 3 Use

On September 30, 2020 (85 FR 61576), the Nuclear Regulatory Commission (NRC) published a notice delaying the use of Revision 3 to NUREG/BR-0204, "Instructions for Completing NRC's Uniform Low-Level Radioactive Waste Manifest" originally published in the Federal Register on July 02, 2020 (85 FR 39936) with no new effective date. 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)). Until further notice, licensees should continue to use NUREG/BR-0204, Revision 2 and the versions of NRC Forms 540, 541 and 542 that were renewed in January 2020, or equivalent, as defined in NRC's regulations.

FRA Revises Rail Track Safety Standards

On October 07, 2020 (85 FR 63362), the Federal Railroad Administration (FRA) published a final rule revising its regulations in 49 CFR Part 213 governing the minimum safety requirements for railroad track. The changes include allowing inspection of rail using continuous rail testing; allowing the use of flange-bearing frogs in crossing diamonds; relaxing the guard check gage limits on heavy-point frogs used in Class 5 track; removing an inspection-method exception for high density commuter lines; and other miscellaneous revisions. Overall, the revisions will benefit track owners, railroads, and the public by reducing unnecessary costs and incentivizing innovation, while improving rail safety. This final rule is effective October 7, 2020.

FMCSA Renewing Two Liability Forms

On October 08, 2020 (85 FR 63648), the Federal Motor Carrier Safety Administration (FMCSA) published a notice requesting comments on its plan to submit for renewal two (2) Information Collection Requests (ICR) titled: 1) "The Endorsement for Motor Carrier Policies of Insurance for Public Liability" (Forms MCS-90/90B) and 2) "The Motor Carrier Public Liability Surety Bond" (Forms MCS-82/82B) to the Office of Management and Budget (OMB) for its review and approval. The information collected in these forms will be used to help ensure that motor carriers of passengers and property maintain appropriate levels of financial

responsibility to operate on public highways. Please submit comments to FMCSA on or before December 7, 2020.

NRC Corrects 10 CFR Parts 1 - 140

On October 16, 2020 (85 FR 65656), the NRC published a final rule amending its regulations to make miscellaneous corrections in 10 CFR Parts 1 thru 140. These non-substantive amendments include redesignating footnotes, correcting references, typographical errors, nomenclature, titles, email addresses, and contact information. This final rule is effective on November 16, 2020. On October 28, 2020 (85 FR 68243), the NRC published a correction to this October 16, 2020 final rule in the federal register concerning an error made in Instruction 8. The NRC published another correction on November 25, 2020 (85 FR 75230) to this October 16, 2020 final rule concerning an incorrect reference in 10 CFR 73.57.

MARSSIM Draft Rev 2 EPA Meetings

On October 30, 2020 (85 FR 68870), the Environmental Protection Agency (EPA) published a notice announcing two meetings of the Radiation Advisory Committee (RAC) Augmented for the Review of Revision 2 of the Multi-Agency Radiation Survey and Site Investigation Manual (Draft for Public Comment) (MARSSIM). A public teleconference will be held as a preparatory meeting for the RAC augmented MARSSIM Panel to receive an EPA briefing, review charge questions, and to hear public comments on Revision 2 of MARSSIM (Draft for Public Comment). This will be followed by a virtual public meeting for the Panel to peer review Revision 2 of MARSSIM (Draft for Public Comment). The public teleconference will be held on Thursday, December 3, 2020, from 1:00 p.m. to 5:00 p.m. (Eastern Standard Time). The public meeting will be held remotely via webcast and teleconference on January 11-14, 2021 (Monday-Thursday), from 12:00 p.m. to 5:00 p.m. (Eastern Standard Time).

NRC Issues 2 NUREG Revisions

On October 30, 2020 (85 FR 68722), the NRC published a notice issuing NUREG/BR-0006, Revision 9, "Instructions for Completing Nuclear Material Transaction Reports," and NUREG/BR-0007, Revision 8, "Instructions for the Preparation and Distribution of Material Status Reports." These NUREG brochures provide guidance for licensees

submitting material transaction reports and material status reports to the Nuclear Materials Management and Safeguards System. NUREG/BR-0006, Revision 9 and NUREG/BR-0007, Revision 8 and its forms became effective on August 31, 2020.

DOT Revises Cylinder Requal Requirements

On October 30, 2020 (85 FR 68790), the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a final rule amending the requirements of the requalification periods for certain Department of Transportation (DOT) 4-series specification cylinders in noncorrosive gas service in response to a petition for rulemaking submitted by the National Propane Gas Association (NPGA). This final rule is effective November 30, 2020 with voluntary compliance authorized October 30, 2020 for all amendments.

TSA Issues Annual Enforcement Actions

On November 02, 2020 (85 FR 69341), the Transportation Security Administration (TSA) published a notice issuing its annual summary of all enforcement actions taken by TSA under the authority granted in the Implementing Recommendations of the 9/11 Commission Act of 2007.

EPA Authorizes SC's Updated RCRA Program

On November 20, 2020 (85 FR 74265), the EPA published a final rule granting South Carolina final authorization for changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The EPA published a proposed rule on September 11, 2020 (85 FR 56200) and provided for public comment. South Carolina submitted a complete program revision application, dated April 8, 2020, seeking authorization of changes to its hazardous waste program in accordance with 40 CFR 271.21. The EPA now makes a final decision that South Carolina's hazardous waste program revisions that are being authorized are equivalent to, consistent with, and no less stringent than the Federal program, and therefore satisfy all the requirements necessary to qualify for final authorization. This final authorization is effective November 20, 2020.

FMCSA Requests Broker Transaction Comments

On November 25, 2020 (85 FR 75280), the FMCSA published a petition for rulemaking requesting public comments on the Transportation Intermediaries Association (TIA) petition

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concerning the rights of parties to a brokered transaction to review the records of the transaction and its request that FMCSA issue regulatory guidance concerning dispatch services. TIA argues that 49 CFR 371.3(c) is in direct conflict with the original intent of the Interstate Commerce Commission's (ICC) to ensure that "all unnecessary restrictions which might impede the free operation of the marketplace" are removed. TIA believes transparency in broker transactions is provided through other means in today's market place and that the regulatory guidance would ensure that interested parties can distinguish between a dispatch service and an authorized broker. Comments must be submitted by January 25, 2021.

FMCSA Revises Form MCSA-5889

On November 25, 2020 (85 FR 75402), the FMCSA published a notice inviting the public to comment on its plan to revise the Form MCSA-5889 "Motor Carrier Records Change Form." This form's purpose is to collect information required by the Office of Registration (MC-RS) to process name changes, address changes, and reinstatements of operating authority for motor carriers, freight forwarders, and brokers. Please submit your comments on or before January 25, 2021.

PHMSA Adopts Many HMR Changes

On November 25, 2020 (85 FR 75680), the published a final rule amending the Hazardous Materials Regulations (HMR) in response to 24 petitions for rulemaking submitted by the regulated community between February 2015 and March 2018. This final rule updates, clarifies, or provides relief from various regulatory requirements throughout 49 CFR Parts 107 - 180 without adversely affecting safety. Some noting changes in this final rule include: 1. Harmonizing availability of limited quantity shipping exceptions for more than 100 entries for corrosive materials in the Hazardous Materials Table (HMT, 172.101); 2. Revising 172.302(b)(2) to allow a minimum height of 12 mm (0.47 inches) for a proper shipping name marked on a portable tank with a capacity of less than 3,785 L (1,000 gallons); 3. Revising 173.28(c)(1)(i) to allow for regulatory flexibility for cleaning metal drums for reuse and clarifying the existing cleaning standard; and 4. Allowing all waste materials to be managed in accordance with the lab pack exception and

associated paragraphs in 173.12 irrespective of whether they meet the definition of a hazardous waste in 171.8. This final rule is effective December 28, 2020. The incorporation by reference of certain publications listed in this final rule is approved by the Director of the Federal Register as of December 28, 2020. Compliance with the amendments adopted in this final rule (with some exceptions) is required beginning November 26, 2021.

Coast Guard Proposes Electronic Submission

On November 27, 2020 (85 FR 75972), the Coast Guard (CG) published a Notice of Proposed Rulemaking (NPRM) requesting comments on its changes to 33 CFR Parts 127, 154 and 156 to enable electronic submission of Operations Manuals and Emergency Manuals and electronic communication between the operators of regulated facilities and the Coast Guard, reducing the time and cost associated with mailing and processing printed manuals. Current regulations stipulate that these facilities send the Coast Guard two copies of their Operations Manual, their Emergency Manual, if applicable, and any amendments to the manuals. This proposed rule would allow facility operators to submit one electronic or printed copy of the manuals and amendments to the manuals. This proposed rule would also require these facilities to maintain either an electronic or a printed copy of each required manual in the marine transfer area of the facility during transfer operations. Comments and related material must be received by the Coast Guard on or before January 26, 2021.

NRC Considers Amending Appendix B

On November 27, 2020 (85 FR 75959), the NRC published a petition for rulemaking to consider in its rulemaking process issues raised in a petition for rulemaking submitted by Matthew McKinley on behalf of the Organization of Agreement States (OAS), the petitioner. The petitioner requests that the NRC amend its decommissioning financial assurance regulations in 10 CFR Part 30 for sealed and unsealed byproduct material not listed in a table that sets out radionuclide possession values for calculating these financial assurance requirements. The petitioner also notes that the NRC did not update appendix B when the Energy Policy Act of 2005 amended the Atomic Energy Act of 1954 to give the NRC regulatory authority

over discrete sources of Naturally-Occurring and Accelerator-Produced Radioactive Material (NARM). A significant number of medical radionuclides are accelerator-produced. The NRC will also examine ways to make the table's values and other NRC decommissioning funding requirements more risk-informed. The docket for the petition for rulemaking, PRM-30-66, is closed on November 27, 2020.

NRC Issues Final NUREG-2224

On December 01, 2020 (85 FR 77267), the NRC published a notice issuing NUREG-2224, "Dry Storage and Transportation of High Burnup Spent Nuclear Fuel." The 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 presents example approaches for licensing and certification of HBU SNF in transportation and dry storage. More information maybe found on the NRC website using the following link: [NUREG-2224](#).

PHMSA Corrects May 11, 2020 Final Rule

On December 03, 2020 (85 FR 78029), the published a correction to the May 11, 2020 ([85 FR 27810](#)) final rule. PHMSA inadvertently left out "(69)" in Instruction 2d for revisions to 49 CFR 171.7. This federal register corrects the error and revises amendatory instruction 2d on page 27852 of the original May 11, 2020 final rule.

NRC Revising Its Enforcement Policy

On December 03, 2020 (85 FR 78046), the NRC published a notice requesting public comment on a proposed draft revision to the policy statement titled NRC Enforcement Policy (the Policy). The NRC is soliciting comments from interested parties, including public interest groups, States, members of the public, and the regulated industry (i.e., reactor, fuel cycle, and material licensees, vendors, and contractors) to assist the NRC in revising its policy. Please submit comments by February 1, 2021. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received before this date.

2021 COMMERCIAL OPEN-ENROLLMENT TRAINING SCHEDULE

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

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

COURSE	DATE	CEU**	TUITION	LOCATION
2021				
DOT/NRC Radioactive Waste Packaging, Transportation & Disposal	February 22 - 25	40	\$1,995	Mount Pleasant, SC
Air Transport of Radioactive Materials (IATA/DOT)	February 26	8	\$985*	Mount Pleasant, SC
DOT/NRC/EPA Hazardous Waste/ Mixed Waste Packaging, Transportation & Disposal	March 15 - 19	40	\$2,195	Salt Lake City, UT
Clive Disposal Site Facility Tour	March 18	--	\$0	Clive, UT
DOT/NRC Radioactive Waste Packaging, Transportation & Disposal	April 19 - 22	40	\$1,995	Surfside Beach, SC
Air Transport of Radioactive Materials (IATA/DOT)	April 23	8	\$985*	Surfside Beach, SC
DOT/NRC Radioactive Waste Packaging, Transportation & Disposal	June 7 - 10	40	\$1,995	Monterey, CA
Air Transport of Radioactive Materials (IATA/DOT)	June 11	8	\$985*	Monterey, CA
DOT/NRC/EPA Hazardous Waste/ Mixed Waste Packaging, Transportation & Disposal	July 12 - 16	40	\$2,195	Clinton, TN
Bear Creek Operations (BCO) Facility Tour	July 15	--	\$0	Oak Ridge, TN
DOT/NRC Radioactive Waste Packaging, Transportation & Disposal	August 2 - 5	40	\$1,995	Orlando, FL
Air Transport of Radioactive Materials (IATA/DOT)	August 6	8	\$985*	Orlando, FL
DOT/NRC Radioactive Waste Packaging, Transportation & Disposal	October 18 - 21	40	\$1,995	Hilton Head, SC
Air Transport of Radioactive Materials (IATA/DOT)	October 22	8	\$985*	Hilton Head, SC
DOT/NRC/EPA Hazardous Waste/ Mixed Waste Packaging, Transportation & Disposal	November 8 - 12	40	\$2,195	Clinton, TN
Bear Creek Operations (BCO) Facility Tour	November 11	--	\$0	Oak Ridge, TN
DOT/NRC Radioactive Waste Packaging, Transportation & Disposal	December 6 - 9	40	\$1,995	Henderson, NV
Air Transport of Radioactive Materials (IATA/DOT)	December 10	80	\$985*	Henderson, NV



COMMERCIAL TRAINING SERVICES

* If an IATA class is taken in conjunction with the DOT/NRC class during the same week, there is a \$280 multi-class discount

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

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