



THE HAZMAT NEWS NETWORK



Regulatory Resources, Inc. 240 Joshua Road Kennewick, WA 99338

Voice: 509-628-1020 — Fax: 509-628-0972 — email: newsletter@regulatoryresources.net — www.regulatoryresources.net — April/May 2008



GLOBAL WARMING has certainly missed this part of the globe. If summer is to be as long as normal, given its late start, I'll be wearing my Bermudas while basting the turkey for Thanksgiving! Welcome to the April/May 2008 issue of **The Hazmat News Network** newsletter.

We all hope you enjoy this issue. And unlike gasoline, this newsletter's price hasn't gone up a bit...it's still FREE.

Please pass it along to others you think will benefit. Cheers!

A COUPLE OF DOCKETS HAVE BEEN PUBLISHED since our last newsletter. Check out [this link](#) if you need access to all 2008 federal registers or visit [this DOT website link](#) to see what dockets PHMSA has specifically published.

Apr 1st: PHMSA published the NPRM, *Improving the Safety of Railroad Tank Car Transportation of Hazardous Materials* (HM-246) seeking comments to improve the crashworthiness protection of railroad tank cars designed to transport poison inhalation hazard materials.

Apr 16th: PHMSA published the interim Final Rule, *Enhancing Rail Transportation Safety and Security for Hazardous Materials Shipments* (formally HM-232E) in coordination with the FRA and the TSA, is revising the current requirements in the hazmat regs applicable to the safe and secure transportation of hazmat transported in commerce by rail. This fulfills requirements in Section 1551 of the Implementing Recommendations of the 9/11 Commission Act of 2007. In this rule, PHMSA is requiring rail carriers to compile annual data on certain shipments of explosive, toxic by inhalation, and radioactive materials, use the data to analyze safety and security risks along rail routes where those materials are transported, assess alternative routing options, and make routing decisions based on those assessments. PHMSA is also clarifying rail carriers' responsibility to address in their security plans issues related to en route storage and delays in transit. In addition, they are adopting a new requirement for rail carriers to inspect placarded hazardous materials rail cars for signs of tampering or suspicious items, including improvised explosive devices. The rule went into effect on June 1, 2008.

Apr 30th: PHMSA published the Final Rule, *Fuel Cell Cartridges and Systems Transported on Board Passenger Aircraft in Carry-on Baggage* (HM-243), in cooperation with the FAA, to permit certain fuel cell cartridges and fuel cell systems designed for portable electronic devices to be transported by passengers and crew in carry-on baggage on board passenger-carrying aircraft. This final rule prescribes regulations for transporting fuel cells containing flammable liquids, including methanol; formic acid; certain borohydride materials; or butane that meet certain performance and consumer use standards. The effective date is October 1, 2008 (voluntary compliance was allowed May 1st).

May 5th: PHMSA published the NPRM, *Registration and Fee Assessment Program* (HM-208G) to amend the statutorily-mandated registration and fee assessment program for persons who transport, or offer for transportation, certain categories and quantities of hazardous

materials. For those registrants not qualifying as a small business or not-for-profit organization, we are proposing to increase the fee from \$975 (plus a \$25 administrative fee) to \$2,475 (plus a \$25 administrative fee) for registration year 2009-2010 and following years. Comments are due by July 14, 2008.

WE'VE GOT A GREAT CLASS COMING UP! It's **H O T !**

On July 22-25, we are presenting in Richland, WA, the "Shipping of Radioactive Materials by DOT Ground & IATA/ICAO Air" workshop. This class is designed for those who are or will be responsible for shipping radioactive materials and have the need to know both ground and air regulations, especially how these two interface. This is also a great way to fulfill both the DOT and IATA/ICAO retraining and retesting requirements. You'll receive the latest 49 CFR from MANCOMM publishing, the 49th Edition of IATA, professional designed training materials, the latest regulatory updates, and copies of pertinent and valuable letters from the regulators – complete with a copy of the original request to the regulator. Visit our [website](#) to download a syllabus and registration form for this course.



WOW OR WHOA...? In a recent letter to PHMSA a question was posed regarding the "material incorporated by reference" (49 CFR 171.7). The specific question concerned the use by a cylinder qualifier of the latest edition of a referenced document (CGA pamphlet) rather than the revision specifically stated in §171.7(a)(3). You see, enforcement was apparently citing folks for using the 'latest' version. PHMSA responded by stating that "...the qualifier does not need the actual CGA publication referenced as long as the qualifier has a document that contains the same information as the referenced CGA publication, which may include an updated version." Hmm, therefore, as long as the updated version contains at least the same information as the "material incorporated by reference" version, the light is green. Any changes beyond 'the same information' is immaterial. I wonder how this would work out then for the upcoming TB 700-2?



IT'S ONLY A SMALL DETAIL that PHMSA left out of a recent letter concerning the amending of an incorrect UN specification marking. A question was asked if it is okay for a supplier of a UN 4G package to place overtop the box's incorrect UN 4G spec marking an adhesive sticker with the corrected UN spec marking. DOT responded with "it's okay", which it is **BUT ONLY IF** the person who places the corrected marking on the UN 4G either: (1) is the manufacturer (original person marking the cert on the packaging); (2) obtains written permission to amend the marking on behalf of the original manufacturer; or (3) becomes the new manufacturer certifying compliance to the specification and displays their name and address in the cert marking – and then also has on file all required manufacturer's records per §178.601(l)...there are no exceptions!



THE HAZMAT NEWS NETWORK



Regulatory Resources, Inc. 240 Joshua Road Kennewick, WA 99338

Voice: 509-628-1020 — Fax: 509-628-0972 — email: newsletter@regulatoryresources.net — www.regulatoryresources.net — April/May 2008

2008 Open Enrollment Training Course Schedule

Regulatory Resources, Inc. is pleased to provide a range of open enrollment courses. The courses are conducted in Richland, Washington at the top rated Hampton Inn nestled on the banks of the beautiful Columbia River or in exciting Las Vegas, Nevada at the stylish Alexis Park Hotel. Don't delay in registering as each course fills on a first-come, first-serve basis. (Oh, July 26-27 is the Unlimited Hydroplane races here in Richland, WA along with many other events.)

**NOTE: Scheduled 5-day workshops conclude at noon on Friday.
All other workshops run full days, 8am through 4:30 pm.**

Date	Course No.	Title	Location	Tuition
Mar 3-6	301	Advanced Hazardous Materials Packaging & Transport Workshop	Richland, WA	\$1,195
Apr 24-25	204	DOT Explosives Packaging & Transport Workshop	Las Vegas, NV	\$675
May 5-9	303	Advanced Radioactive Materials Packaging & Transport Workshop	Las Vegas, NV	\$1,395
Jun 3-6	302	Advanced Hazardous Waste Packaging & Transport Workshop	Richland, WA	\$1,395
Jul 22-25	203 & 402	Shipping of Radioactive Materials DOT Ground and IATA/ICAO Air	Richland, WA	\$1,095
Jul 28-29	306	Class 7 Packaging for Shippers & Inspectors	Richland, WA	\$595
Dec 3	504	IATA/ICAO Dangerous Goods Recertification Training	Richland, WA	\$450*
Dec 4	505	IATA/ICAO Radioactive Materials Recertification Training	Richland, WA	\$450*
				*\$695 if together

PARTICIPANTS ...

The cut-off date for registering for the Jul 22-25 class in Richland, WA is June 30th. Don't delay in sending us your course registration form!

Richland, WA	Hotel Info:
Hampton Inn	Gov't Rate
468 Bradley Blvd.	(Special training rate; limited number of rooms available!)
Richland, WA 99352	
800-560-7809	
509-943-4400	
www.hamptoninn.com	