



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 — January 2009



Welcome everyone to the January '09 issue of **The Hazmat News Network**. Can you believe we've started another year? The good news: one year closer to retirement; the bad news: last year added 20 years to retirement (argg). Remember, this newsletter is absolutely FREE and is provided for your compliance assistance. Contact us if you wish to be removed.

A COUPLE OF NEW DOCKETS were published this last month. A summary is provided below. Remember, if you need a copy of any of these dockets, visit [2008 Federal Register Contents](#). Also, our website posts all our newsletters back to 1995. Use these as a resource if you're in search of past docket information.

Dec 19th: The PHMSA published a safety letter to inform the regulated community of the noncompliance trend seen with nurse tanks. Nurse tanks are essentially cargo tanks used by the ag industry, primarily for anhydrous ammonia. Hopefully the ag industry will step up to correct these problems before DOT decides to start eliminating the exceptions. It would be a bummer to have one of these fail, especially if you happen to be nearby.

Jan 13th: PHMSA published the Final Rule, "Improving the Safety of Railroad Tank Car Transportation of Hazardous Material". This docket prescribes enhanced safety measures for rail transportation of poison inhalation hazard (PIH) materials, including interim design standards for railroad tank cars. Pending validation and implementation of the crashworthiness performance standard proposed in the NPRM (April 1, 2008), this rule mandates commodity-specific improvements in safety features and design standards for newly manufactured DOT specification tank cars. The final rule also adopts a 50 mph speed restriction for loaded rail tank cars transporting PIH materials; an improved top fittings performance standard; an allowance to increase the gross weight of tank cars that meet the enhanced standards; and adoption of the industry standard for normalized steel in certain tank cars. The effective date is 16 March 2009.

Jan 14th: PHMSA published a combined Final Rule (HM-224D and HM-215J), *Revisions to Requirements for the Transportation of Batteries and Battery-Powered Devices; and Harmonization with the UN Recommendations, IMDG Code, and ICAO Technical Instructions*. This docket revises the HMR to maintain alignment with the international standards and includes changes and clarifications regarding the transport of batteries and battery-powered devices. Consistent with recent changes to the ICAO TI, PHMSA is clarifying the prohibition against transporting electrical devices, including batteries and battery-powered devices that are likely to create sparks or generate a dangerous amount of heat. PHMSA is also modifying and enhancing requirements for the packaging and handling of batteries and battery-powered devices, particularly in air commerce, to emphasize the safety precautions that

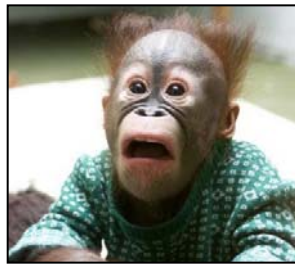


are necessary to prevent incidents during transportation. This docket certainly has an impact to shippers and carriers, especially if you ship by air. You need to read this docket for impacts. The effective date is 13 Feb 2009, however, there is delayed compliance until 01 January 2010 except for §§ 171.14, 171.25, 172.102, 172.448 and 178.703.

HURRY AND SIGNED UP FOR OUR TRAINING workshops while seats are available. The schedule on the following page shows which workshops are still open for registrations. Click on this link: www.regulatoryresources.net/courses.htm to view/download a course syllabus and registration form. And, please call us if you have any questions. Keep in mind, our courses go into more depth than most other training companies – we don't present materials just so you can walk out the door with a 'training' certificate. Rather, you will be provided the tools necessary to enhance regulatory compliance and walk away with not only a firm grasp of the requirements but knowledge of the 'how and why' the regulation exists. And we walk-the-talk; we actively consult in DOT HMR and RCRA waste operations and teach both operations personnel and state and federal inspectors and regulators. Bring your examples and questions to class...we'll work through them together. Oh, did I mention the hundreds of pages of letters from the regulators you'll receive!

CARRIERS, UPGRADE YOUR CELL PHONE PLAN!

Three separate letters were sent to PHMSA to clarify what is meant by the term 'breakage' as seen in §171.15(b)(2) regarding immediate notification requirements for radioactive materials in transport. You might want to sit down about now. The term 'breakage' is not tied to either spillage or suspected contamination. Breakage, as used in this paragraph, includes any 'break' in the packaging without regard to the condition of the package. In other words, even if the inner packagings are okay; even if the inner containment system is okay; even if there is absolutely no loss of containment and all is intact; if anything is broke, the person discovering the 'break' must immediately start the §171.15 telephone notification to the National Response Center. And remember, this also initiates a §171.16 written report. PHMSA never did provide clarification of 'breakage' other than saying "if a radioactive material package is broken, even if the inner packagings remain intact, an immediate notification of the NRC is required." Huh? So then, if a fiberboard package is dropped the while loading, and the corner of the packaging is deformed (e.g., broke), regardless of the situation, immediate notification to the NRC is required. I'll bet that probably starts an entire chain of events based on your company's policies. In my humble opinion, I certainly do believe that something here is "broken"! Hello, can you hear me now?





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Regulatory Resources, Inc. 2009 Compliance Training Schedule

Date	Course No.	Course	Location	Where	Hotel Contact Info.
Dec 8, 2008	504	ICAO DG Pkg & Transport Report	Los Alamos, NM	Motorolla Bldg.	Hampton Inn 468 Bradley Blvd. Richland, WA 99352 800-560-7809 509-943-4400
Dec 9, 2008	505	ICAO Rad Pkg & Transport Report	Los Alamos, NM	Motorolla Bldg.	
Jan 20-21, 2009	204	Initial DOT Hazmat	Richland, WA	Hampton Inn	
Jan 22, 2009	505	ICAO Rad Pkg & Transport Report	Richland, WA	Hampton Inn	
Feb 2-4, 2009	204 & 202	Initial DOT Hazmat/Waste P&T	Richland, WA	Hampton Inn	
Feb 4-6, 2009	202	Initial DOT Rad P&T	Richland, WA	Hampton Inn	
Mar 2-6, 2009	304	Advanced DOT HazMat for Shippers	Richland, WA	Hampton Inn	
Mar 9-13, 2009	302	Advanced DOT HazWaste for Shippers	Richland, WA	Hampton Inn	
Mar 16-20, 2009	303	Advanced DOT Rad Materials for Shippers	Richland, WA	Hampton Inn	
Apr 20-23, 2009	TBD	TBD	Los Alamos, NM	Motorolla Bldg.	
May 12-13, 2009	305	UN Packaging for Users	Richland, WA	Hampton Inn	<u>Hotels in or near Los Alamos</u> Hiltop House Holiday Inn Express Hampton Inn Varied B&B's Santa Fe is ~30 minute drive <u>Los Alamos class location:</u> Motorolla Building 4200 West Jemez Road Los Alamos, NM
May 14-15, 2009	306	Class 7 Packaging for Users	Richland, WA	Hampton Inn	
May 18-19, 2009	204	DOT Explosives P&T	Richland, WA	Hampton Inn	
Jul 21-24, 2009	203 & 402	DOT & ICAO Class 7 P&T for Shippers	Richland, WA	Hampton Inn	
Aug 10-13, 2009	TBD	TBD	Los Alamos, NM	Motorolla Bldg.	
Aug 17-19, 2009	201 & 202	Initial DOT Hazmat/Waste P&T ¹	Richland, WA	Hampton Inn	
Aug 19-21, 2009	203	Initial DOT Rad P&T ²	Richland, WA	Hampton Inn	
Aug 24-28, 2009	307	Advanced Mixed Waste P&T for Shippers	Richland, WA	Hampton Inn	
Oct 19-23, 2009	TBD	TBD	Los Alamos, NM	Motorolla Bldg.	

¹ Class runs ½-day on Wednesday

² Class starts at 1pm on Wednesday