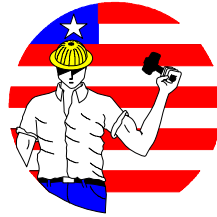


OUR NEXT HOLIDAY IS LABOR DAY and this means that we shouldn't have anymore new dockets until after the holiday. Did you hear that regulators! Oh well, it is a nice thought. Welcome to RRI's July-Aug 2003 combined newsletter. This is a free service to help out you busy professionals. Please pass it along to others who may benefit.



DOCKET ACTIONS for July and August thus far looks to be increasing. Here's what happened.

- **Jul 28th:** The FMCSA published a notice of extension to extend its deadline to ensure that all safety audits or compliance reviews of motor carriers conducted after 12/31/02 be conducted by duly certified personnel. The new date for compliance is 12/31/03.
- **Jul 30th:** RSPA published a Safety Advisory Notice to notify the public that RSPA obtained information concerning high-pressure compressed gas cylinders that appear to have been requalified improperly by Sooner Cylinder Services, Inc. ("Sooner") of Oklahoma City, OK.
- **Jul 31st:** RSPA published the final rule, HM-215E. Voluntary compliance 10/1/03; mandatory is 10/1/04 with exceptions. See the article in this issue for more information.
- **Aug 12th:** The FMCSA published a Final Rule amending the FMCSRs to require that motor carriers operating CMVs designed or used to transport between 9-15 passengers (including the driver) in interstate commerce must comply with the applicable safety regulations when they are directly compensated for such services and the vehicle is operated beyond a 75 air mile radius from the driver's normal work-reporting location.
- **Aug 12th:** The FMCSA published a NPRM to propose standards for minimum training requirements for operators of longer combination vehicles and requirements for the instructors who train these operators. Comments are due to the FMCSA by 10/14/03.
- **Aug 14th:** RSPA published the final rule, HM-218B, "Miscellaneous Amendments" based on petitions for rulemaking and RSPA initiatives. The changes are effective on 10/1/03. Sections affected are: 171.7; 171.15; 172.101; 172.504; 173.3; 173.12; 173.29; 173.31; 173.35; 173.50; 173.54; 173.62; 173.314; 173.315; 173.320; 177.834; 177.835; 177.837; 177.841; 178.45; 179.1; 179.3; 179.5; 179.9; 179.100-13; 179.200, -14, -23, -24; 179.201-1, -2, -3; 179.300-17; 180.209; and 180.507.
- **Aug 15th:** The FMCSA published a NPRM proposing standards for mandatory training requirements for entry-level operators of CMVs who are required to hold or obtain a CDL. Comments are due by 10/14/03.

WE'RE HAVING ANOTHER ONE... On September 22-26 RRI will be conducting its *Advanced DOT Waste Packaging & Transport Workshop* at the Hampton Inn, Richland, WA. This advanced course addresses RCRA waste designation and DOT classification in great detail. We explore the differences between the two and what this means to you. We also will clear up the confusion that always seems to come with hazardous substance determinations for wastes. And, we'll cover packaging to a detail that you've never experienced before. For all the information about the workshop go to our website at www.regulatoryresources.net. Hurry and get your registration and room reservation made by September 12th; class size is limited ensure your questions are addressed.

HM-215E, HARMONIZATION WITH THE UN, is bringing many changes to the DOT Hazmat Regs. I can only provide a summary of the big hitters (for most people) here. There are 191 additions, deletions and changes to the Hazmat Table, and about 31 new or revised Special Provision. Shipping papers (172 Subpart C) are being revised to: (1) require the sub hazard(s) be identified in parentheses after the primary hazard for all modes but it's not required until 10/1/05; (2) the number and type of packages covered by a single description must be identified for all modes (abbreviations are authorized if commonly used and recognizable...[by whom?]) but is not required until 10/1/07; and (3) the sequence of the basic description may be revised from "PSN, HC (sub), UN#, PG" to "UN#, PSN, HC (sub), PG" – this is optional. Marking of packages (172 Subpart D) for limited quantities has a new section, §172.315. Limited quantities (not including Class 7) must be marked with either the PSN (which is not a change) **OR** the UN# in a square-on-point display measuring at least the minimum size of a label (this is new). Here's a bad thing; this new limited quantity UN number marking display is not limited to a specific color...ARGGG. What is RSPA thinking? There is a new "Air Eligibility" marking. This marking is required for packages intended for or offered for air transport and is a "certification" by the shipper that the package meets all packaging requirements. If the package is not to be intended for air (by design or testing) then it cannot be marked as such. Oh, you can hand-draw the marking. Gimme a break! RSPA did state that the "marking has no significance as a certification until the package is offered for transportation." This means that you can buy packages air eligible marked by the manufacturer. Section 173.24 and 173.27 have been expanded. Read these carefully shippers. Register for our advanced waste workshop to hear "the rest of the story."