



WE'RE ALIVE! Wow, it's been six months since our last newsletter. The publishing in January of the new domestic radioactive materials transport regulations has kept us extremely busy. But we're coasting a bit now and have time to catch back up with our newsletter activities. This newsletter contains docket information for June-December, to date. The write-ups are brief. For more specific information, go to the following DOT link: "<http://hazmat.dot.gov/rulemake.htm>". Oh, as always, the newsletter is absolutely FREE. Happy Holidays!!

DOCKET ACTIONS since June by Final Rule, Proposed Rule and Notices.

FINAL RULES

- **May 28th:** RSPA published a delay of the effective date of HM-223, "Applicability of the HMRs to Loading, Unloading, and Storage." The effective date was to be January 1, 2005...BUT WAIT...on December 8th, RSPA published another delay to this rulemaking. The new effective date is June 1, 2005.
- **Jun 22nd:** RSPA published a delay of the effective date for HM-215E to October 1, 2004, and addressed revisions/replies to appeals for reconsideration.
- **Jun 30th:** The FMCSA published FMCSA-97-2180, "Hazardous Materials Safety Permits" establishing a national safety permit program for motor carriers that transport certain hazmat in interstate or intrastate commerce. The final rule was effective on July 30, 2004; compliance is required on January 1, 2005.
- **Jul 13th:** RSPA published HM-189X, "Minor Editorial Corrections" to correct miscellaneous errors.
- **Sep 1st:** RSPA published HM-206C, "Availability of Information for Hazmat Transported by Aircraft." The rule extends the compliance date of the notification and record retention requirements for aircraft operators until April 1, 2005.
- **Sep 7th:** RSPA published HM-189W, "Minor Editorial Corrections and Clarifications".
- **Sep 13th:** RSPA published a correction to HM-230, "Compatibility with the Regulations of the IAEA". Some of the corrections made were incorrect, and hence...
- **Oct 1st:** RSPA published a second correction to HM-230 to correct the errors from the September 13th docket. Unfortunately, not everything was corrected correctly. Argggg.
- **Nov 4th:** RSPA published HM-206B, "Miscellaneous Changes to the Hazard Communication Requirements" with an effective date of October 1, 2005. The major revisions include: (1) the use of the Pantone Formula for colors on labels and placards; (2) expanding the use of the CGS pamphlet C-7 to 2.3 gases and all modes of transport; (3) requiring "NON-ODORIZED" marking on certain packages containing unodorized LPG; (4) allowing the FUMIGANT marking to be removed from a transport vehicle or freight container before the lading is unloaded if the vehicle has undergone sufficient aeration.
- **Dec 8th:** RSPA published the second extension to HM-223 for a new effective date of June 1, 2005.

PROPOSED RULES

- **Jun 22nd:** RSPA published HM-216G, "Harmonization with the UN Recommendations, IMDG Code, and ICAO Technical Instructions." Many proposed changes are included with this docket. The comment period concluded on August 23rd. See the NPRM for specific details.
- **Aug 4th:** RSPA published a comment extensino for HM-224B, "Transportation of Compressed Oxygen, Other Oxidizing Gases and Chemical Oxygen Generators on Aircraft." The original docket was published on May 6, 2004. Comments are due by December 13th. Late comments will be considered to the extent possible..
- **Aug 12th:** RSPA published HM-218C, "Miscellaneous Amendments" based on petitions for rulemaking and RSPA initiatives. Comments were due by October 12th..
- **Aug 16th:** RSPA published HM-237, "Requirements for Lighters and Lighter Refills" to propose amendments to the examination, testing, certification, and transportation. Comments were due by November 15th..
- **Sep 4th:** RSPA published HM-223A, "Applicability of the HMRs to Persons Who Offer Hazmat for Transportation in Commerce." This docket, when finalized, will add a regulatory definition to the term "persons who offer" or "offeror" to the HMRs. Comments were due by November 23rd..
- **Nov 10th:** RSPA published HM-228, "Revision of Requirements for Carriage by Aircraft." This docket proposed to change/amend the requirement for the transport of hazmat by aircraft in order to clarify requirements, promote compliance and enforcement, eliminate unnecessary regulations, convert certain exemptions into regulations, finalize outstanding petitions for rulemaking, facilitate international commerce, and make the regs easier to understand. Comments are due by January 31, 2005.

NOTICES

- **Jun 22nd:** RSPA published a Notice of Administrative Determination of Preemption, PD-29(R), affecting the MA requirements on the storage and disposal of infectious or physically dangerous medial or biological wastes.
- **Aug 16th:** RSPA published the notice, "Enhancing Rail Transportation Security for Toxic Inhalation Hazard Materials" in conjunction with the Department of Homeland Security. The two agencies were seeking comments (by Oct 16th) on the feasibility of initiating specific security enhancements for TIH materials.
- **Sep 1st:** RSPA published Notice 04-5, "Safety Advisory: Unauthorized Marking of Compressed Gas Cylinders" applicable to New England Ski and Scuba, LLC in Vernon, CT and issued the name K&B Enterprises..
- **Nov 17th:** RSPA published Notice 04-6, "Electronic Submission of Hazmat Incident Report, Form F 5800.1" to let the public know that a programming tool is available for companies or individuals to use to electronically file the new hazmat incidents report that go into effect on January 1st.
- **Nov 23rd:** RSPA published Notice 04-7, "Safety Advisory: Unauthorized Marking of Compressed Gas Cylinders" applicable to the Statewide Fire Equipment, Inc. West Buxton, ME.