



YAHOO...ANOTHER NEW YEAR and one more year closer to retirement! November was the birthday of "The Hamzat News Network"

newsletter...it's starting its 9th year. We started it as a free service and plan to continue. Please pass this on to others you think can benefit from the information provided. Don't forget to visit our website for back issues.

DOCKET ACTIONS for November and December has been exciting. Here's what happened. (See our website for a link to the U.S. Federal Register where you can obtain a .pdf file of each of these dockets.)

- **Nov 13th**: RSPA published PDA-30R, to obtain public comment concerning a pending Preemption Determination issued by Societe Air France against the City of Houston. Comments are due by 12/29/03 with rebuttals due by 2/11/04.
- **Nov 18th**: EPA published an ANPRM requesting public comment regarding options to promote a more consistent framework for the disposal of Low-Activity Rad Waste (LARW) and Low-Activity Mixed Rad Waste (LAMW); that is a waste that is both radioactive and containing a RCRA Subtitle C hazardous waste. Comments are due by 3/24/04.
- **Nov 20th**: EPA published a proposed rule to modify the RCRA hazardous waste management regs for certain solvent-contaminated shop towels, rags, disposable towels, etc. The is a "deregulation" rulemaking. Please provide comments to EPA by 2/18/04. Your comments are vital! (There are some holes that need to be filled.)
- **Dec 3rd**: RSPA published the Final Rule to HM-229, "Revisions to Incident Reporting Requirements and the Hazardous Materials Incident Report Form." The major changes include: (1) collecting more specific info on the incident form; (2) expanding reporting req'ts to persons other than just carriers (like shippers & receivers); (3) reporting undeclared hazmat shipments; and (4) reporting non-release incidents involving cargo tanks. The effective date is 7/1/04. Read this carefully, especially in light of the recent final rule to HM-223 (Loading, Unloading and Store In-Transportation).
- **Dec 4th**: RSPA published a NPRM, HM-233, "Incorporation of Exemptions Into Regulations." Basically, RSPA proposes to amend the hazmat regs by incorporating certain widely used DOT Exemptions and minor revisions to the req'ts for use of packagings authorized under exemptions. Comments are due by 2/6/04.
- **Dec 22th**: The regulators published their Semi-Annual Regulatory Agenda. Read through these to get a picture of what has happened, what is happening, and what will happen.
- **Dec 29th**: EPA published an extension of comment period concerning the NPRM, October 28, 2003 (see our Sept-Oct 03 newsletter). The docket concerns the revision of the definition of Solid Waste for certain recyclable materials and proposes to define legitimate recycling. Comments are now due by 2/25/04.

• **Dec 31st**: RSPA published a Final Rule amending the hazmat regs to standardize the format used to cross-reference consensus standards published by nationally and internationally recognized standard-setting organizations and industry that are incorporated by reference in 49 CFR 171.7. The effective date was 1/1/04.

TRAINING WORKSHOPS BEGIN IN FEBRUARY so make sure to get your reservations in soon. The first course offering is Feb 16-20 with Initial DOT Hazmat, HazWst, and Rad. We follow this on March 15-18 with IATA/ICAO dangerous goods and then radioactive materials training. All classes are held in Richland, WA at the beautiful Hampton Inn. For more information visit our website or contact us directly at 509-628-1020 or training@regulatoryresources.net. See you there!



NEED A QUICK SOURCE FOR REGULATORY INFO?

Check out these valuable links:

- For a summary of all DOT docket action for the last few years, including recent dockets: <http://hazmat.dot.gov/rulemake.htm>
- For all 2003 federal registers, by specific date and content: http://www.access.gpo.gov/su_docs/fedreg/frcont03.html
- For all upcoming 2004 federal registers, by specific date and content: http://www.access.gpo.gov/su_docs/fedreg/frcont04.html
- For letters published by the regulators:
- DOT hazmat, by reference: <http://www.myregs.com/dotrspa>
 - DOT hazmat, by month: <http://dms.dot.gov/reports/>
 - RCRA solid & haz waste: <http://www.epa.gov/rcraonline/>
 - RCRA Hotline: <http://www.epa.gov/epaoswer/hotline/mrqs.htm>
 - IAEA radioactive materials transportation regulations link: <http://www-rasanet.iaea.org/programme/radiation-safety/trans-safety.htm>

RRI hopes that these valuable links are a benefit to you.

NEW INCIDENT REPORTING REQUIREMENTS must be reviewed carefully, especially in light of the recently published loading/unloading and storage docket, HM-223. Effective July 1, 2004, a shipper or receiver may become the responsible party for completing and submitting the revised DOT Hazardous Materials Incident Report Form. Remember, HM-223 separated "pre-transportation" from "in-transportation". The report form (and notification) applies to hazmats that are "in-transportation." This includes non-carrier persons who are responsible for the hazmat while in storage when between the shipper and receiver facilities, and for all loading/unloading by non-carrier personnel if the carrier is present (e.g., still on the facility's property). Also new...all "undeclared" hazmat packages/shipments that are discovered "in-transportation" must be notified by completing the new incident report form. RSPA limited this notification to "in-transportation". This means that if the undeclared hazmat package/shipment is discovered after being unloaded (or in the process of unloading if bulk and the carrier is absent), it is not reportable to RSPA. Arggg.