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United States Government **Department of Energy**

memorandum

DATE: April 25, 2002

REPLY TO ATTN OF: Office of Nuclear and Facility Safety Policy:D. Black:3-3465

SUBJECT: ACTION: Technical Position on Onsite Transportation

TO: Beverly A. Cook
Assistant Secretary
Environment, Safety and Health

THRU: Rick Jones, Acting Deputy
Assistant Secretary
Office of Safety and Health

Under the procedural rules of 10 CFR Part 820 for the so-called Price-Anderson Amendments Act (PAAA) regulations, EH may issue technical interpretations of the regulations of Parts 830 and 835. The Office of General Counsel issues legal interpretations of the regulations. The attached Nuclear Safety Technical Position is the first one issued by EH for the safety basis provisions in 10 CFR Part 830, Subpart B. EH has issued technical interpretations under Part 835 and this interpretation is consistent in format and processing.

The technical interpretation involves a clarification of the need to prepare both a Transportation Safety Document (TSD) and a Safety Analysis Report for Packaging (SARP) to satisfy the Documented Safety Analysis (DSA) provisions of Subpart B. TSDs and SARPs are prepared in accordance with DOE Orders 460.1A (EM issued Order) or 461.1 (NNSA issued Order for weapons shipments). These Orders and their associated guidance are listed as safe harbors for transportation activities in Subpart B, Table 2. The rule states that contractors must prepare both a TSD and a SARP for onsite shipments. This requirement has resulted in confusion because in many instances NRC or DOE certifies SARPs for a full range of onsite shipments – not individual shipments. If shipments are not covered by an approved SARP, the packaging safety controls are embedded in the TSD and, thus, there is no need for a separate SARP.

This technical position also clarifies when full DOT compliance for onsite shipments satisfies the safety basis provisions of Subpart B. We believe that if a contractor meets the full spectrum of DOT requirements for onsite shipments as it would for offsite shipments, then this safety regime is sufficient to meet the requirements of Subpart B.

This technical position has been fully vetted with both DP and EM and they agree to its issuance. Once you approve, we will post this technical position on the EH-53 web page and disseminate it through the LPSOs and other rule working groups, such as EFCOG.

Richard L. Black, Director
Office of Nuclear and Facility
Safety Policy

Attachment

Attachment

Department of Energy
Office of Nuclear and Facility Safety Policy
Nuclear Safety Technical Position
NSTP 2002-1

Transportation Packaging for Onsite Transfers

Issue:

There is a need for clarification in 10 CFR 830 Subpart B for the transportation activities safe harbors. The safe harbors for the Documented Safety Analysis (DSA) for transportation activities are specified in 10 CFR 830 Subpart B, Table 2 to Appendix A. These safe harbors include both a Transportation Safety Document (TSD) and a Safety Analysis Report for Packaging (SARP). How should packaging approvals be handled as part of a transportation DSA?

Background:

Safe harbors 9 and 10 of Table 2 for transportation activities specify the preparation of a SARP and a TSD in accordance with the applicable Order (O 460.1A or O 461.1) and its guidance document (DOE G 460.1-1 or DOE M 461-1). The guidance documents state that onsite transfers may make use of Certified packaging, packaging equivalent to Certified packaging, or non-equivalent packaging. For packaging to be certified, the Department of Energy (DOE) or the Nuclear Regulatory Commission (NRC) review and approve SARPs.

Technical Position:

Transfers using Certified packaging make use of the SARP that has been reviewed and approved by DOE or NRC. Submission and additional review and approval of these SARPs as part of the DSA are not required.

Guidance for the treatment of equivalent and non-equivalent packaging in a TSD in DOE G 460.1-1 or DOE M 461-1, as applicable, should be followed. In the case of equivalent packaging, this includes a demonstration of equivalency in the TSD. In the case of non-equivalent packaging, an acceptable safety basis is based on an integrated approach, which considers the packaging in combination with specified communication and control measures. This includes establishing the performance envelope of the packaging in the TSD and may involve confirmatory testing. In either case, a demonstration of a technically defensible safety basis is necessary. Satisfying these requirements is deemed to constitute the SARP, for equivalent and non-equivalent packaging, as part of a TSD.

In addition to documenting the safety of Department of Transportation (DOT) equivalent and non-equivalent packaging, a TSD must be developed for onsite transportation. This TSD must include the other transportation control and communication requirements that will be implemented. If full DOT compliance is met for both the packaging and the other transportation safety and communication requirements, then a contractor only needs to submit documentation of full DOT compliance to DOE. If the other safety control and communication requirements do not meet all DOT requirements, then these requirements must be defined and justified in the TSD.

Approved: Dennis A Code Disapproved: _____ Date: 4/25/02