

# The MODERATOR

Training Resources and Information for the Nuclear Industry

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## Explosives Approval Special Notice on the DOT Website

**Attention:** Please note that there are commercial web sites offering to process Explosives or Fireworks Approval applications. These other sites appear similar to the sanctioned PHMSA website. However, unless you are accessing PHMSA's official On-Line Special Permit & Approval Application System at the following address: <https://hazmatonline.phmsa.dot.gov/Online%20Approvals/pages/welcome.aspx>, you are NOT filing an online Explosives or Fireworks application with PHMSA.

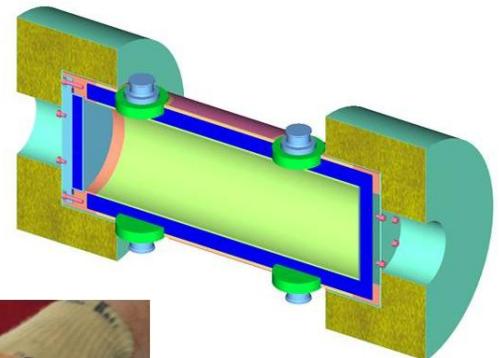


## Cask Inventory Update

Planning for fabrication is underway for the 3-60B Irradiated Hardware Cask. This is our replacement for the 3-55 cask. The 3-60B's certificate of compliance, USA/9321/B(U)-96, was issued on August 26, 2010.

NRC has approved the repair of the bolt holes on our 8-120B casks. Please adhere to the new handling procedures to prevent any future bolt hole damage to our casks: Use of impact wrenches to remove cask lid bolts is limited to breaking initial torque on the bolt. Once the bolt is free to rotate, further removal of bolt with impact wrench shall stop. Final removal of lid bolts is to be done by hand. Impact wrenches should not be used for the reinstallation of the cask lid bolts; bolts should be installed and hand-tightened then torque using a star pattern.

Four (4) new 8-120B casks are in the planning once the "-96 upgrade" is approved by the NRC.



## Recent Federal Registers of Interest

The U.S. Nuclear Regulatory Commission (NRC) published a federal register notice on May 16, 2011 (76 FR 28193) allowing licensees to comment on the preliminary proposed rule language concerning proposed amendments to the material control and accounting (MC&A) regulations. These regulations apply to NRC licensees who are authorized to hold special nuclear material (SNM) and to certain licensees within the jurisdiction of the Agreement States that hold SNM and submit material status reports to the NRC. The goal of this rulemaking is to revise and consolidate the MC&A requirements. Submit comments by June 30, 2011. Public comments and supporting materials related to this notice, including the preliminary proposed rule language, can be found at <http://www.regulations.gov> by searching on Docket ID NRC-2009-0096.

The Pipeline and Hazardous Materials Safety Administration (PHMSA) proposed on April 29, 2011 (76 FR 23923) to restrict the use of hand-held mobile telephones, including hand-held cell phones, by drivers during the operation of a motor vehicle containing a quantity of hazardous materials requiring placarding under Part 172 of the 49 CFR or any quantity of a select agent or toxin listed in 42 CFR Part 73. Additionally, in accordance with requirements proposed by the Federal Motor Carrier Safety Administration (FMCSA), motor carriers are prohibited from requiring or allowing drivers of covered motor vehicles to engage in the use of handheld mobile telephones while driving. This rulemaking would improve health and safety on the Nation's highways by reducing the prevalence of distracted driving-related crashes, fatalities, and injuries involving drivers of commercial motor vehicles. Comments must be received by June 28, 2011.



The Pipeline and Hazardous Materials Safety Administration (PHMSA) proposed on March 11, 2011 (76 FR 13313) to amend the Hazardous Materials Regulations (HMR) to require each person (*i.e., carrier or facility*) who engages in cargo tank loading or unloading operations to perform a risk assessment of the loading and unloading operation and develop and implement safe operating procedures based upon the results of the risk assessment. The proposed operational procedures include requirements to address several aspects of loading and unloading, including provisions for facilities to develop maintenance testing programs for transfer equipment (*i.e., hose maintenance programs*) used to load or unload cargo tank motor vehicles (CTMVs). In addition, PHMSA is proposing to require each employee who engages in cargo tank loading or unloading operations to receive training and be evaluated on the employee's qualifications to perform loading or unloading functions. PHMSA is proposing these amendments to reduce the risk associated with the loading and unloading of cargo tank motor vehicles that contain hazardous materials. Comments must be received by June 9, 2011. To the extent possible, PHMSA will consider late-filed comments during the next stage of the rulemaking process.



**Recent Industry Issues**



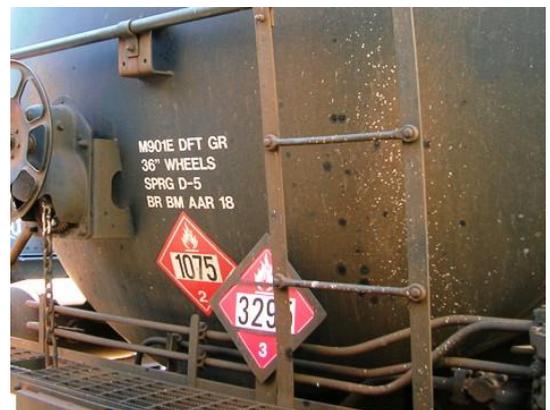
How tight should synthetic web tiedowns be in order to hold the package? Should they be so tight that the closure devices become loose during transportation? Do the Federal Motor Carrier Regulations (49 CFR Part 393 concerning load securing) have a tightness requirement for tiedowns to prevent vertical movement? In addition, what is preventing the lateral movement of this box during transportation? Can I use these tiedowns to also meet the minimum performance criteria for the forward, rearward and side to side breaking strength and work load limit requirements?



What is wrong here? Is anything else required when a label is placed on a non-contrasting background? Looking at 49 CFR 172.406(d), we find that a dotted or solid line outer border around the label is required. Once again, be careful with your package communications. On a nitpicky note, when did the hazard class number marking become required?



Should anything be blocking the view of a placard? Ladders are good for some things, but a placard curtain is not one of them. Placards should always be visible in the direction that they face, except when blocked by a coupled truck-tractor or another trailer or another rail car as appropriate. (see 49 CFR 172.516 for more visibility requirements) Do you see anything else wrong here? How many placards are allowed to display the identification number on the same package? (see 49 CFR 172.334)



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## Frequently Asked Questions

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General requirements for shipping papers is our FAQ topic for this quarter.

\* Is it permissible for a shipper to prepare, sign and date a shipping paper even though the initial carrier may not sign and date the shipping paper until 3 or 4 days later? *(Reference # 00-0114)*

Yes, two different dates is acceptable. The hazardous material regulations do not prohibit the use of different shipper and initial carrier dates on the shipping paper.

\* Do I have to use SI units for the weight on shipping papers? *(Reference # 06-0053)*

No, pounds (lbs) is acceptable if the units of measurement are included on the shipping paper.

\* Can I abbreviate "Department of Transportation" in the shipping paper certification statement? *(Reference # 06-0053)*

No. The certification statement must be written as specified in 49 CFR 172.204(a)(1) and may not be modified. Therefore, the abbreviation "DOT" is not acceptable.

\* Can I use the EPA UHWM packaging abbreviations on DOT shipping papers? *(Reference # 07-0196)*

Yes, the EPA abbreviations are commonly accepted and recognizable. For example, "TT" maybe used to indicate a cargo tank (tank trucks) on the shipping paper.

\* Can I use "Excepted Package, Industrial Package, Type A Package, or Type B Package" to describe the type of packaging for class 7 material on a DOT shipping paper? *(Reference # 09-0110)*

Yes, these abbreviations are acceptable for describing the type of package on the shipping paper. (Editor's note: These do not seem descriptive enough to help emergency responders to differentiate between packages on a conveyance. Consider using "Drum, box, freight container, cylinder, etc.)

\* Is it permissible for the driver to use electronic equipment to display shipping papers while the shipment is in transportation? *(Reference # 04-0207)*

No. Electronic versions of the shipping papers are not acceptable while in transportation. The shipper paper must be legible and printed (manually or mechanically) in English.

To access any DOT letters of interpretation, go to: <http://www.phmsa.dot.gov/hazmat> Then, click on: "Interpretations" Next, you can search by entering the reference number in the search box or search by the applicable regulatory section number, or search by the published date. Do not forget that you have these internet addresses (and many more) in a Word document on our training class CD handout.

We have added two new computer based courses to our e-learning list. They are *General Packaging Requirements for the Transport of Hazardous Materials* and *Federal Motor Carrier Safety Regulations (FMCSR) Training for Managers and Supervisors*. Contact Jennifer Keszler at (509) 375-9507 to register. For more information on our e-learning courses, see <http://www.energysolutions.com/customer-portal/training-services/elearning>.

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