



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

400 Seventh St., S.W.  
Washington, D.C. 20590

JUL 7 2003

Mr. Doug Noce  
Health Physicist  
Dominion Generation  
5570 Hog Island Road  
Surry, VA 23883

Ref. No. 03-0151

Dear Mr. Noce:

This is in response to your letter dated June 25, 2003 regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to movements of hazardous materials on private roads. Specifically, you ask if the movement of radioactive materials along a 0.7 mile section of Highway Rt. 650 that is under the control of Dominion's armed security force is subject to the HMR.

Based on the information you provided, the answer is no. The HMR govern the safe transportation of hazardous materials in intrastate, interstate, and foreign commerce. Transportation of hazardous materials exclusively on private property, to which signs, gates and guard stations prevent public access, is not subject to the HMR.

I hope this satisfies your request.

Sincerely,

Susan Gorsky  
Senior Transportation Regulations Specialist  
Office of Hazardous Materials Standards



030151

171.1

Dominion Generation  
5570 Hog Island Road, Surry, VA 23883

Supko  
§ 171.1  
Applicability  
03-0151



**Dominion**

Mr. Edward Mazzullo, Director  
Office of Hazardous Materials Standards  
400 7<sup>th</sup> Street SW  
Washington, DC 20590

June 25, 2003

Dear Mr. Mazzullo:

Dominion Generation – Surry Power Station requests clarification as to the applicability of Hazardous Materials Regulations, 49CFR parts 171-180, at our facility.

Surry Power Station is a nuclear fueled, electric generating station. We routinely transport and safely handle Class 7 radioactive materials. Please reference the attached schematic of our site. Virginia Highway Rt. 650 borders our site, north/south for 0.7 mile and dead ends at the entrance to Hog Island Wildlife Reserve. Public access to this section of highway is under the control of Dominion's armed security force since September 11, 2001. The Commonwealth of Virginia, Department of Transportation issued Dominion Generation a Land Use Permit (No. 53760) dated December 5, 2001, which allows us complete access control to our site since this is the only road in or out of the station.

I spoke with Ms. Diane Lavallo of the US DOT, Office of Research and Special Programs regarding the waiver of transport requirements for moving Class 7 hazardous materials on a secured road. She forwarded the referenced letters, one from US DOT General Council and one from your office, which she felt provided adequate guidance. We feel that these letters are relevant to our application and seek your concurrence that the requirements of 49CFR171-180 do not apply to the movement of Class 7 hazardous materials along the secured section of Highway Rt. 650.

Sincerely,

  
Doug Noce  
Health Physicist

757-365-2457

Reference:

Letter from US DOT to Ms. Susan H. Denny, Director, Transportation Management Program, Office of Technology Development, Department of Energy, Washington, DC 20585; dated April 23, 1991.

Letter from US DOT to Mr. Bruce W. Graska, Transport Workers Union of America, Local 563, 232 E. Howard Avenue, Des Plaines, IL 60018; dated April 21, 2000. Ref. No. 00-0090.