



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

OCT 8 2004

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

Mr. David J. Allard, CHP, Director
Bureau of Radiation Protection
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
P.O. Box 8469
Harrisburg, PA 17105-8469

Ref. No. 04-0197

Dear Mr. Allard:

This responds to your August 31, 2004 letter requesting clarification on the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to household wastes that have been contaminated with short-lived medical radionuclides and the use of DOT Exemption 11406. Specifically, you ask whether these contaminated household wastes are regulated as Class 7 hazardous materials under the HMR.

According to your letter and previous email correspondence with this office, some household wastes may become radiologically contaminated by patients (human and animal) who have undergone nuclear medicine procedures, and released to go home. Based on information previously provided to you by this office, it is your understanding that household wastes are not regulated under the HMR. Your understanding is correct. Household wastes, including household wastes contaminated with short-lived radionuclides, are not subject to the HMR.

I hope this answers your inquiry.

Sincerely,

Edward T. Mazzullo
Director
Office of Hazardous Materials Standards



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Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building
P.O. Box 8469
Harrisburg, PA 17105-8469
August 31, 2004

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Applicability
04-0197
717-787-2480
Fax: 717-783-8965

Bureau of Radiation Protection

U.S. Department of Transportation / RSPA
Attn: Mr. Edward Mazzullo
Mail Stop: DHM-10
400 Seventh Street, SW
Washington, DC 20590

Re: Request for formal DOT interpretation

Dear Mr. Mazzullo:

Enclosed please find a copy of my e-mail of August 27, 2004, and the attached letter from October 3, 2001 to Mr. O'Steen. As I outlined in my original letter and recent e-mail, the PA DEP Bureau of Radiation Protection, and similar state radiation control programs around the country, have been faced with having to issue DOT Exemptions (E-11406) for solid waste that has become radiologically contaminated by patients (human and animal) who have undergone a nuclear medicine procedures, and released to go home. We feel this is an unnecessary regulatory and recordkeeping burden. More importantly, it appears that an analysis of this situation by DOT has concluded your hazardous material regulations in 49 CFR, do not apply to "household waste." (See attached e-mails.)

As I mentioned in my e-mail, we will be moving forward with our implementation of proper controls on the movement of solid waste that has caused a radiation alarm within the Commonwealth. However, in that this has broad implications across the various state radiation control programs, we recommend DOT issue a formal "interpretation." Specifically, that DOT has concluded "household waste" is not regulated as a Class 7 hazardous material under the DOT regulations in 49CFR. This should be communicated to Mr. Terry Devine at the CRCPD, who coordinates this DOT Exemption (see - www.crcpd.org).

If you or your staff have any questions on our actions or this recommendation, please do not hesitate to contact me at the telephone number above.

Sincerely,

David J. Allard, CHP
Director
Bureau of Radiation Protection



Attachments

cc (no attachments):

F. Ferate, DOT (DHM-23)
T. Devine, CRCPD
S. Perry, PA DEP Bur. of Reg. Counsel
DEP / BRP Program Managers