



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

DEC 3 2004

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

DEC 3 2004

Ref. No.: 04-0266

Mr. Mark Harrison
RP Supervisor RW
R.E. Ginna Nuclear Power Plant
1503 Lake Road
Ontario, NY 14519

Dear Mr. Harrison:

This is in response to your November 15, 2004 letter regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to the transport of radioactive materials. Your questions concern the transport of radioactive materials by a private company or a governmental entity in the event of a catastrophic failure at a nuclear power plant. Your scenarios and questions are paraphrased and answered as follows:

Q1. Is a private company subject to the HMR when transporting radioactive samples and contaminated materials during a catastrophic failure at a nuclear power plant?

A1. Yes. The transport of radioactive materials by a private company would be fully subject to the HMR, unless specifically excepted.

Q2. Is a local government entity subject to the HMR when transporting radioactive samples and contaminated materials during a catastrophic failure at a nuclear power plant?

A2. No. A local government entity that transports hazardous materials in vehicles operated by government personnel for non-commercial purposes is not a "person" for purposes of § 171.2 and, therefore, is not subject to the HMR.

Q3. Is an ambulance carrying a person contaminated with a radioactive material subject to the HMR?

A3. No. A person contaminated with a radioactive material is not an item of commerce; therefore, the ambulance would not be subject to the HMR.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,

Hattie Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



040266

173.403

R.E. GINNA NUCLEAR POWER PLANT

1503 LAKE ROAD

ONTARIO, NEW YORK 14519

NOVEMBER, 15, 2004

Satterthwaite
§ 173.403

Definition of RAM
04-0266

TO: Office of Hazardous Materials Standards, Research and Special Programs
Administration, DHM-10

SUBJECT: Request for Guidance and Interpretation in Accordance With 49 CFR 105.20

Nuclear Power Plants are required to routinely perform mock drills with usually, a worst case mock scenario of a catastrophic failure at a nuclear power plant with a release of radioactive material into the environment. The event involves participation by plant, state, county and federal agencies. Teams of personnel from the plant and county are sent out to track the plume, obtain air samples, and radiation readings. This information is used to dose projection and develop recommendations to evacuate or shelter the public. Once the release has terminated teams from the plant and county will once again be sent out to collect soil, water, snow, and vegetation samples in the path of plume to once again develop long term protective actions for the public. In both of the above circumstances, if real, plant and county personnel would be transporting radioactive samples in personnel vehicles to the plant laboratory for analysis, collection, and or if the plant was not available to another laboratory which could be hundreds of miles away. It is expected or postulated that many of these samples would meet the DOT definition of Radioactive Material. What is the DOT position on the need to package and transport in accordance with DOT regulations in the above situations particularly in regards to samples being transported to other laboratories?

A second scenario would involve the transport of a radioactive contaminated patient (s) by ambulance to an emergency room facility. Any contaminated material from transport or treatment of the patient (clothing, blankets, sheets, gowns, surgical tools, etc) is collected at the emergency facility. The facility does not normally have a license for the type of by-product material that may come from a nuclear power plant. The material is expected to meet the DOT definition of Radioactive Material. What is the DOT position in this event for the patient in transport and later material generated, for packaging and transport in accordance with DOT regulations? Particularly for the material generated whether it is to be either transported back to the plant for disposal or directly to a disposal facility.



Mike Harrison
RP Supervisor RW
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