

October 13, 1999

Mr. Manny Tuazon
Consumers Energy/LCS
135 West Trail Street
Jackson, MI 49201

Ref. No. 99-0139

Dear Mr. Tuazon:

This is in response to your letter dated May 26, 1999, concerning the requirements for sealing latches with security seals and measuring levels of radioactive contamination on outer surfaces of packages under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are paraphrased and answered as follows:

Question 1: Is a security seal with an identification mark required to be attached through each latch as required by § 173.412 (a) during transportation of the license material in company vehicles by company personnel qualified to perform radiographic operation?

Answer: Section 173.412(a) does not require that a seal have an identification mark. The requirement is that packages falling under the provision of § 173.412(a) be equipped with a feature designed to provide evidence that a package has not been opened (such as a seal). The point of the requirement is to provide assurance to the receiver that packages have not been opened or tampered with while in transportation. However, seals may be required under Nuclear Regulatory Commission (NRC) regulations or by conditional specifications of licenses issues by NRC.

Question 2: In complying with § 173.443, how do you assure that the removable levels of radioactive contamination on the outside surface of an outer package do not exceed 0.00001 microcuries per square centimeter when 10 CFR Part 34 requires survey instruments capable of measuring 2mr/hr through 1 rem/hr?

Answer: The requirement of § 173.443, Contamination Control, is not based upon the requirements of the NRC, or the provisions of 10 CFR Part 34 as they relate to measurements of radiation levels from devices. In complying with § 173.443 (a), persons should use a measurement technique or appropriate method that ensures contamination levels are within allowable limits. The use of wipes is a suggested technique, however there is no specification for the type of instrument to be used to measure the amount of activity on the wipe. The regulations state other methods may be used to assure that contamination is within acceptable limits. Shippers/Carriers have latitude among recognized procedures which provide this assurance.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this Office.

Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards

173.412