



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

SEP 6 2007

1200 New Jersey Avenue, SE  
Washington, D.C. 20590

Mr. John Nederfield  
SESI Consulting Engineers  
12 Maple Avenue  
Building A  
Pine Brook, NJ 07058

Ref. No. 07-0129

Dear Mr. Nederfield:

This responds to your June 21, 2007 letter regarding the transportation of a nuclear density gauge. As discussed in your June 20, 2007 telephone conversation with Mr. James Williams of the Office of Hazardous Materials Technology staff, you ask if the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) apply to your scenario described below.

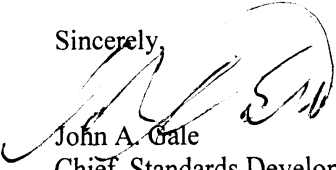
According to your letter, over a period ranging from several days to several months, a gauge user drives the gauge from an NRC-approved location to a temporary jobsite, and then back and forth between his home (or hotel) and that jobsite. You ask if the HMR apply to the transportation of the nuclear density gauge under this scenario.

The HMR apply to the transportation of hazardous materials in commerce, as specified in § 171.1, including storage incidental to movement under § 171.8. Transportation of the nuclear density gauge from an NRC-approved location to a temporary jobsite and back and forth between home or hotel and that jobsite is subject to the HMR. Moreover, the nuclear density gauge is being temporarily stored incidental to movement while in the gauge user's home or hotel room.

In addition, the user is subject to NRC and applicable State requirements when transporting the nuclear density gauge, including storage incidental to movement.

I hope this answers your inquiry.

Sincerely,

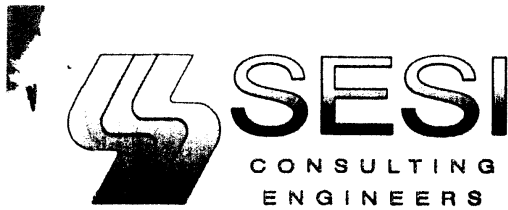


John A. Gale  
Chief, Standards Development  
Office of Hazardous Materials Standards



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171.1(b)



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§ 171.1 (b)  
Applicability  
07-0129

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June 21, 2007  
P-0001

Mr. Jim Williams  
Radioactive Materials Branch  
Office of Hazardous Materials Technology  
Pipeline and Hazardous Materials Safety Administration  
U.S. Department of Transportation  
East Building, E21-330, PHH-23  
1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590-0001

Re: DOT Regulations Interpretation of Nuclear Gauge under Transport

Dear Mr. Williams:

I am requesting a written interpretation of the DOT regulations regarding "transport" of a nuclear density gauge, as we discussed in our phone conversation on June 20.

The case in point is thus:

A gauge user, on a temporary basis, (ranging from several days to several months), drives the gauge from an NRC-approved location to a temporary jobsite, and then back and forth from home (or hotel) to that jobsite.

How does this scenario fit into the DOT's definition of "transport"?

If you have any questions regarding this request, please call.

Sincerely,

**SESI CONSULTING ENGINEERS**

John Nederfield

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