

From: [INFOCNTR \(PHMSA\)](#)
To: [Baker, Yul \(PHMSA\)](#)
Cc: [Hazmat Interps](#)
Subject: FW: Request for Letter of Interpretation
Date: Tuesday, October 7, 2025 15:00:44
Attachments: [image001.png](#)

Good afternoon,

Please see the following interpretation request. Let us know if you need anything else.

Best,

Aminah

From: Brad Scott <brad.scott@atkinsrealisusn.com>
Sent: Tuesday, October 7, 2025 11:44 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Request for Letter of Interpretation

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Mr. Shane Kelley
Director, Standards and Rulemaking Division
U.S. DOT/PHMSA (PHH-10)
1200 New Jersey Avenue, SE East Building, 2nd Floor
Washington, DC 20590

Regarding the definition of Fissile Material in 173.403:

Is the DOT's exclusion of "*any natural or depleted uranium that has only been irradiated in a thermal reactor*" from the definition of fissile material in 49 CFR 173.403 intended to exclude only the U-235 component of that natural or depleted uranium that could become slightly enriched due to the conversion of U-238 to some other isotope, thereby increasing the U-235 enrichment? Or is the intent of DOT to also exclude from that definition of fissile material any fissile *plutonium-239* or *plutonium-241* that could be created because of the irradiation of natural or depleted uranium in a thermal reactor?

Follow up question, if DOT did intend to also exclude from that fissile material definition

any fissile *plutonium-239* or *plutonium-241* that could be created because of the irradiation of natural or depleted uranium in a thermal reactor, does DOT have an opinion on whether U-233 that could be produced from the irradiation of natural thorium within a thermal reactor would also be excluded from the definition of fissile material?

Thank you,

Bradley Scott
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