



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

NOV 09 2017

Lee J. Stevens  
Radioactive Waste Acceptance Program  
Office of Environmental Management Nevada Program  
Navarro Research and Engineering, Inc.  
P.O. Box 98952  
Las Vegas, NV 89193-8952

Reference No. 17-0072

Dear Mr. Stevens:

This letter is in response to your July 20, 2017, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

We have paraphrased and answered your questions as follows:

- Q1. You ask if the proper shipping description "UN3321, Radioactive material, low specific activity (LSA-II) *fissile excepted*, 7" complies with the HMR when used to describe an appropriately characterized and classed material that is transported by highway.
- A1. The answer is yes. Section 172.101(c)(2) permits words in italics that appear as part of a proper shipping name in the Hazardous Materials Table (HMT; § 172.101) to be included as part of the proper shipping name. However, please note the HMT entry you reference includes a hyphen between the words "fissile" and "excepted."
- Q2. Provided the proper shipping description in Question Q1 complies with the HMR, you ask if the words "fissile-excepted" must be added in association with or after that description, along with any other applicable entries required by § 172.203(d).
- A2. The answer is yes.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

T. Glenn Foster  
Chief, Regulatory Review and Reinvention Branch  
Standards and Rulemaking Division

Edmonson  
§172.102(c) + 172.203(d)(6)(i)  
Shipping Names  
17-0072

**Dodd, Alice (PHMSA)**

---

**From:** INFOCNTR (PHMSA)  
**Sent:** Friday, July 21, 2017 12:02 PM  
**To:** Hazmat Interps  
**Subject:** FW: Interpretation requested concerning requirements of 172.102(c) & 172.203(d)(6)(i)

Hi Shante/Alice,

Please submit this as a letter of interpretation. Please let me know if you have any questions.

Thanks,  
Jodi

**From:** Stevens, Lee (Navarro) [mailto:Lee.Stevens@nv.doe.gov]  
**Sent:** Thursday, July 20, 2017 11:14 AM  
**To:** PHMSA HM InfoCenter <PHMSAHMInfoCenter@dot.gov>  
**Cc:** DiSanza, E. Frank (Navarro) <Frank.DiSanza@nv.doe.gov>  
**Subject:** Interpretation requested concerning requirements of 172.102(c) & 172.203(d)(6)(i)

Good morning,

I am requesting confirmation of my understanding of the results of my conversation with Jodi at the Hazardous Materials Information Center concerning the interactions of the requirements of 49 CFR §172.101(c)(2) and §172.203(d)(6)(i).

As we discussed, under §172.101(c)(2), the HMR allows the proper shipping name entry (from Column 2 in the HMT) for UN3321, Radioactive Material, Low Specific Activity (LSA-II) *non fissile or fissile excepted* to be used on a highway shipping paper with the words "fissile excepted" as part of the proper shipping name.

§172.101 Purpose and use of hazardous materials table.

....  
(2) Punctuation marks and words in italics are not part of the proper shipping name, **but may be used in addition to the proper shipping name**. The word "or" in italics indicates that there is a choice of terms in the sequence that may alternately be used as the proper shipping name or as part of the proper shipping name, as appropriate. For example, for the hazardous materials description "Carbon dioxide, solid or Dry ice" either "Carbon dioxide, solid" or "Dry ice" may be used as the proper shipping name; and for the hazardous materials description "Articles, pressurized pneumatic or hydraulic," either "Articles, pressurized pneumatic" or "Articles, pressurized hydraulic" may be used as the proper shipping name.

Therefore a basic description of "UN3321, Radioactive Material, Low Specific Activity (LSA-II), fissile excepted, 7" would be a compliant for use on a highway shipment of an appropriately characterized/classified material.

**Q1: Is this correct?**

Furthermore, §172.203(d)(6)(i) requires the words "Fissile Excepted" to be entered as an additional description after the basic description, if applicable to the material.

§172.203 Additional description requirements

(d) Radioactive material. The description for a shipment of a Class 7 (radioactive) material **must include the following additional entries as appropriate:**

....

(6) For a package containing fissile Class 7 (radioactive) material:

(i) The words "Fissile Excepted" if the package is excepted pursuant to §173.453 of this subchapter; or otherwise

(ii) The criticality safety index for that package.

Unlike §172.203(d)(2)(i) for special form material, there is no exemption from this requirement if the words already appear in the proper shipping name.

**Q2: If the basic description provided in Q1 is compliant, would the words "Fissile Excepted" be required to be entered in association with (after) the basic description "UN3321, Radioactive Material, Low Specific Activity (LSA-II), fissile excepted, 7", along with any other applicable entries required by §172.203(d)?**

If you have any questions concerning my request, please feel free to contact me via the numbers below or via e-mail.

NAVARRO

NEVADA NATIONAL  
**NINSS**  
SECURITY SITE

**Lee J. Stevens**

Lead Assessor - Transportation

Radioactive Waste Acceptance Program

Navarro Research & Engineering, Inc.

Contractor to U.S. Department of Energy

Office of Environmental Management Nevada Program

Work: (702) 295-1578 | Cell: (702) 241-0805

*That which you manifest is before you*