Section 173.455. This section, "Classification of fissile materials packages," is deleted entirely because of the elimination of fissile classes.

Section 173.457. This section, "Transportation of fissile material-controlled shipment—requirements," redefines fissile class III shipments in terms of a "fissile material, controlled shipment."

Section 173.459. This section, "Mixing of fissile materials packages," is amended to delete references to fissile classes and to express shipment controls in terms of fissile material, controlled shipments.

Section 173.461. This section, "Demonstration of compliance with tests," is amended to clarify that surrogate materials may be used in packagings to demonstrate compliance with the performance requirements for the package.

Sections 173.462–173.467. These sections are revised to correct section references and terminology.

Section 173.468. This section, "Test for LSA-III material", is added to specify a leaching test to examine the solid nature of the material for qualification of the material as LSA-III.

One commenter asked that the section be clarified to state whether immersion tests must be conducted on full-scale or on represented small scale samples. RSPA never intended to disallow the provisions of § 173.461, which allows scale model testing, for the tests required in § 173.468. The second sentence of proposed § 173.468(a), which stated that "[e]ach solid specimen to be tested must be representative of the actual solid LSA-III material that will be transported", might have been misinterpreted. To clarify that a representative scale model sample may be used as the test specimen, RSPA is not adopting that sentence.

Section 173.469. This section, "Tests for special form Class 7 (radioactive) material," is amended to add an alternative method to qualify special form radioactive material under the specific impact and temperature tests prescribed in the specified standard of the International Organization for Standardization (ISO). One commenter stated that the ISO standard allowed leakage and leaching tests that are not as sensitive as the tests prescribed in § 173.469(a)(4) and (b) and, therefore, should not be adopted. RSPA agrees that some of the ISO test methods are not as sensitive for some source designs as

those prescribed in the regulations. However, ISO's test method has a lower acceptance criteria which compensates for the less sensitive test methods. Therefore, RSPA is not adopting this commenters request.

Sections 173.471-173.473. These sections are amended to require that applicants for Competent Authority Approvals of Type B packaging designs, including those requesting to become registered users, submit a description to RSPA of the quality assurance program in effect during the design, manufacture, testing, documentation, use, maintenance, and inspection of the package as required by IAEA. These sections are also amended to require that submissions be made in triplicate and 90 days in advance of the shipment. It should be noted that IAEA regulations require that the serial number be marked on Type B packagings. Though not required by RSPA in this final rule, packages shipped in accordance with the IAEA regulations will be required to be marked with the serial number of the packaging.

Sections 173.474–173.475. These section are not amended but are reprinted for ease of understanding.

Section 173.476. This section, "Approval of special form Class 7 (radioactive) materials," is amended to require that the original applicant provide evidence of the quality assurance program in effect during the design, manufacture, testing, documentation, use, maintenance, and inspection of the material as required by IAEA. In addition, this section is amended to require that submissions be made in triplicate and 90 days in advance of the shipment.

Section 173.477. This section, "Approval for export shipments," is amended to delete references to fissile classes. Additionally, a new subparagraph addresses the contents of an application for shipment approval under special arrangement.

Section 173.478. This section, "Notification to competent authorities for export shipments," is amended to delete references to fissile classes and requires additional information to be submitted to other national competent authorities for special arrangement shipments. Specifically, notification of a special arrangement shipment is required to include the name of the radionuclide, a description of the physical and chemical form, and the activity of the material.

Section 174.705. This section, entitled "Radiation Protection Program," is added to prohibit the transport of radioactive material by a rail carrier that does not maintain a radiation protection program for each of its occupationally exposed hazmat employees as required by subpart I of part 172. For further discussion of these requirements, see section III.A of this preamble.

Section 175.704. This section has been added, which incorporates proposed 10 CFR 71.88(c), as proposed by NRC. This new section imposes loading and storage restrictions on packages of plutonium. Because these requirements are more appropriate to 49 CFR part 175 than in 10 CFR part 71, RSPA is adopting them in this section.

Section 175.706. This section, entitled "Radiation Protection Program," is added to prohibit the transport of radioactive material by an air carrier that does not maintain a radiation protection program for each of its occupationally exposed hazmat employees as required by subpart I of part 172. For further discussion of these requirements, see section III.A of this preamble.

Section 176.703. This section, entitled "Radiation Protection Program," is added to prohibit the transport of radioactive material by a vessel operator that does not maintain a radiation protection program for each of its occupationally exposed hazmat employees as required by subpart I of part 172. For further discussion of these requirements, see section III.A of this preamble.

Section 177.827. This section, entitled "Radiation Protection Program," is added to prohibit the transport of radioactive material by a motor carrier that does not maintain a radiation protection program for each of its occupationally exposed hazmat employees as required by subpart I of part 172. For further discussion of these requirements, see section III.A of this preamble.

In addition to the foregoing section changes, other sections contained in parts 174 through part 178, involving radioactive material transportation, have been updated to for consistency with changes in parts 171 through part 173. Some of these changes include the addition of metric and SI units and changes in regulatory references. The following is list of those sections:

Part 174	Part 175	Part 176	Part 177	Part 178
174.700	175.700	176.700	177.842	178.350