

§ 173.476 Approval of special form Class 7 (radioactive) materials.

(a) Each offeror of special form Class 7 (radioactive) materials must maintain on file for at least one year after the latest shipment, and provide to the Associate Administrator for Hazardous Materials Safety on request, a complete safety analysis, including documentation of any tests, demonstrating that the special form material meets the requirements of § 173.469. An IAEA Certificate of Competent Authority issued for the special form material may be used to satisfy this requirement.

(b) Prior to the first export shipment of a special form Class 7 (radioactive) material from the United States, each offeror shall obtain a U.S. Competent Authority Certificate for the specific material. For special form material manufactured outside the United States, an IAEA Certificate of Competent Authority from the country of origin may be used to meet this requirement.

(c) Each request for a U.S. Competent Authority Certificate as required by the IAEA regulations must be submitted in writing, in triplicate, to the Associate Administrator for Hazardous Materials Safety. Each request is considered in the order in which it is received. To allow sufficient time for consideration, requests must be received at least 90 days before the requested effective date. Each petition for a U.S. Competent Authority Certificate must include the following information:

(1) A detailed description of the material, or if a capsule, a detailed description of the contents. Particular reference must be made to both physical and chemical states;

(2) A detailed statement of the capsule design and dimensions, including complete engineering drawings [22cm × 30cm (8½ inches × 11 inches)] and schedules of material, and methods of construction;

(3) A statement of the tests that have been made and their results; or evidence based on calculative methods to show that the material is able to pass the tests; or other evidence that the special form Class 7 (radioactive) material complies with § 173.469; and

(4) For the original request for a Competent Authority Certificate, evidence of a quality assurance program.

(d) Paragraphs (a) and (b) of this section do not apply in those cases where A_1 equals A_2 and the material is not required to be described on the shipping papers as "Radioactive Material, Special Form, n.o.s."

§ 173.477 Approval for export shipments.

(a) Each export shipment of a package for which an IAEA certificate of competent authority has been issued or revalidated in accordance with § 173.471, § 173.472, or § 173.473 must have multilateral approval if the shipment includes:

(1) A vented Type B(M) package;

(2) A Type B(M) packaging containing Class 7 (radioactive) materials with an activity greater than $3 \times 10^3 A_1$, or $3 \times 10^3 A_2$, as appropriate, or 1000 TBq (27,000 curies), whichever is less;

(3) A shipment of packages containing fissile materials if the sum of the transport indices of the individual packages exceeds 50; or

(4) Transportation by special arrangement.

(b) Each application for shipment approval not under special arrangement must contain:

(1) The period of time for which the approval is sought;

(2) A description of the contents, the expected modes of transportation, the type of conveyance to be used, and the proposed route; and

(3) An explanation of how the special precautions and special administrative and operational controls referred to in the package design certificates are to be put into effect.

(c) Each application for shipment approval under special arrangement must contain:

(1) A statement of the reasons why the shipment cannot be made in accordance with the applicable requirements; and

(2) A statement of any special precautions or special administrative or operational controls that will be used during transport to ensure that the overall safety is at least equivalent to that provided by the applicable requirements.

(d) The packaging and shipment approvals may be combined into a single approval issued in accordance with §§ 173.471, 173.472 or 173.473.

(e) Approval by competent authorities is not required for packagings designed for materials covered by §§ 173.421 through 173.428 or for Type A packagings designed for non-fissile Class 7 (radioactive) materials.

§ 173.478 Notification to competent authorities for export shipments.

(a) Before the first export shipment of any packaging containing fissile materials packages exceeding 15 grams, or Class 7 (radioactive) materials exceeding A_1 or A_2 , the offeror shall ensure that copies of each applicable competent authority certificate issued in accordance with § 173.471, § 173.472, or § 173.473 have been submitted to the

competent authority of each country through which or into which it is to be transported. Except as specified in § 173.477, the offeror is not required to await an acknowledgment from the competent authority prior to shipping the Class 7 (radioactive) material, nor is the competent authority required to acknowledge receipt of the certificate.

(b) For each of the shipments described in this paragraph, the offeror shall notify the competent authority of each country through which or into which the shipment is to be transported. This notification must be received by each competent authority at least 7 days before the shipment starts for the following:

(1) Type B(U) packagings containing Class 7 (radioactive) materials with an activity greater than $3 \times 10^3 A_1$, $3 \times 10^3 A_2$, as appropriate, or 1000 TBq (27,000 Curies), whichever is the least;

(2) Type B(M) packages; or

(3) Transportation by special arrangements.

(c) The offeror notification must include:

(1) Sufficient information to enable the packaging to be identified, including all applicable certificate numbers and identification marks;

(2) Information as to the date of shipment, the expected date of arrival, and the proposed routing;

(3) The name of the Class 7 (radioactive) material or nuclide;

(4) A description of the physical and chemical form of the Class 7 (radioactive) material; and

(5) The maximum activity of the Class 7 (radioactive) material, except that for fissile material, the mass of fissile material may be used instead of activity.

(d) The offeror is not required to send a separate notification if the required information has been included in the application for shipment approval.

PART 174—CARRIAGE BY RAIL

24. The authority citation for Part 174 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

25. Sections 174.700 and 174.715 are revised and § 174.705 is added to read as follows:

§ 174.700 Special handling requirements for Class 7 (radioactive) materials.

(a) Each rail shipment of low specific activity materials or surface contaminated objects as defined in § 173.403 of this subchapter must be loaded so as to avoid spillage and scattering of loose material. Loading restrictions are prescribed in § 173.427 of this subchapter.