

Editorial Notes

AMENDMENTS

2005—Pub. L. 109-59 amended text generally. Prior to amendment, text read as follows: “See section 31144.”

1998—Pub. L. 105-178 substituted “See section 31144.” for subssecs. (a) to (d) which related to unsatisfactory safety ratings.

§ 5114. Air transportation of ionizing radiation material

(a) TRANSPORTING IN AIR COMMERCE.—Material that emits ionizing radiation spontaneously may be transported on a passenger-carrying aircraft in air commerce (as defined in section 40102(a) of this title) only if the material is intended for a use in, or incident to, research or medical diagnosis or treatment and does not present an unreasonable hazard to health and safety when being prepared for, and during, transportation.

(b) PROCEDURES.—The Secretary shall prescribe procedures for monitoring and enforcing regulations prescribed under this section.

(c) NONAPPLICATION.—This section does not apply to material the Secretary decides does not pose a significant hazard to health or safety when transported because of its low order of radioactivity.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 772; Pub. L. 109-59, title VII, §7126, Aug. 10, 2005, 119 Stat. 1909.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5114(a)	49 App.:1807(a) (1st, 2d sentences), (b) (1st sentence).	Jan. 3, 1975, Pub. L. 93-633, §108, 88 Stat. 2159; Nov. 16, 1990, Pub. L. 101-615, §10, 104 Stat. 3259.
5114(b)	49 App.:1807(a) (last sentence).	
5114(c)	49 App.:1807(b) (last sentence).	

In subsection (a), the text of 49 App.:1807(a) (1st sentence) is omitted as executed. The words “or combination of materials” are omitted as surplus.

In subsection (b), the words “further” and “effective” are omitted as surplus.

Editorial Notes

AMENDMENTS

2005—Subsec. (b). Pub. L. 109-59 substituted “Secretary” for “Secretary of Transportation”.

§ 5115. Training curriculum for the public sector

(a) IN GENERAL.—In coordination with the Administrator of the Federal Emergency Management Agency, the Chairman of the Nuclear Regulatory Commission, the Administrator of the Environmental Protection Agency, the Secretaries of Labor, Energy, and Health and Human Services, and the Director of the National Institute of Environmental Health Sciences, and using existing coordinating mechanisms of the National Response Team and, for radioactive material, the Federal Radiological Preparedness Coordinating Committee, the Secretary of Transportation shall maintain, and update periodically, a current curriculum of courses, including online curriculum as appropriate, necessary to train public sector emergency response

and preparedness teams in matters relating to the transportation of hazardous material. Only in developing the curriculum, the Secretary of Transportation shall consult with regional response teams established under the national contingency plan established under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605), representatives of commissions established under section 301 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001), persons (including governmental entities) that provide training for responding to accidents and incidents involving the transportation of hazardous material, and representatives of persons that respond to those accidents and incidents.

(b) REQUIREMENTS.—The curriculum maintained and updated under subsection (a) of this section—

(1) shall include—

(A) a recommended course of study to train public sector employees to respond to an accident or incident involving the transportation of hazardous material and to plan for those responses;

(B) recommended courses and minimum number of hours of instruction necessary for public sector employees to be able to respond safely and efficiently to an accident or incident involving the transportation of hazardous material and to plan those responses; and

(C) appropriate emergency response training and planning programs for public sector employees developed with Federal financial assistance, including programs developed with grants made under section 126(g) of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 9660a); and

(2) may include recommendations on material appropriate for use in a recommended course described in clause (1)(B) of this subsection.

(c) TRAINING ON COMPLYING WITH LEGAL REQUIREMENTS.—A recommended course described in subsection (b)(1)(B) of this section shall provide the training necessary for public sector employees to comply with—

(1) regulations related to hazardous waste operations and emergency response contained in part 1910 of title 29, Code of Federal Regulations, prescribed by the Secretary of Labor;

(2) regulations related to worker protection standards for hazardous waste operations contained in part 311 of title 40, Code of Federal Regulations, prescribed by the Administrator; and

(3) standards related to emergency response training prescribed by the National Fire Protection Association and such other voluntary consensus standard-setting organizations as the Secretary of Transportation determines appropriate.

(d) DISTRIBUTION AND PUBLICATION.—With the National Response Team—

(1) the Secretary shall distribute the curriculum and any updates to the curriculum to the regional response teams and all committees and commissions established under sec-

tion 301 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001); and

(2) the Secretary may publish and distribute a list of programs and courses maintained and updated under this section and of any programs utilizing such courses.

(Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 772; Pub. L. 103–429, §6(5), Oct. 31, 1994, 108 Stat. 4378; Pub. L. 109–59, title VII, §§7113, 7126, Aug. 10, 2005, 119 Stat. 1899, 1909; Pub. L. 109–295, title VI, §612(c), Oct. 4, 2006, 120 Stat. 1410; Pub. L. 112–141, div. C, title III, §33004(a), July 6, 2012, 126 Stat. 832; Pub. L. 114–94, div. A, title VI, §6013, Dec. 4, 2015, 129 Stat. 1570.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5115(a)	49 App.:1815(g)(1), (5).	Jan. 3, 1975, Pub. L. 93–633, 88 Stat. 2156, §117A (g)(1)–(6), (8); added Nov. 16, 1990, Pub. L. 101–615, §17, 104 Stat. 3265, 3267.
5115(b)	49 App.:1815(g)(2), (3).	
5115(c)	49 App.:1815(g)(4).	
5115(d)(1)	49 App.:1815(g)(6).	
5115(d)(2)	49 App.:1815(g)(8).	

In subsection (c)(3), the words “including standards 471 and 472” are omitted as surplus.

In subsection (d)(1), the word “updates” is substituted for “amendments” for clarity.

PUB. L. 103–429

This amends 49:5115(b)(1)(C) to make a cross-reference more precise.

Editorial Notes

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–94 inserted “, including online curriculum as appropriate,” after “a current curriculum of courses”.

2012—Subsecs. (b)(1)(B), (2), (c). Pub. L. 112–141 struck out “basic” after “recommended”.

2005—Subsec. (a). Pub. L. 109–59, §7113(a), inserted heading and first sentence and struck out former heading and first sentence. Text read as follows: “Not later than November 16, 1992, in coordination with the Director of the Federal Emergency Management Agency, Chairman of the Nuclear Regulatory Commission, Administrator of the Environmental Protection Agency, Secretaries of Labor, Energy, and Health and Human Services, and Director of the National Institute of Environmental Health Sciences, and using the existing coordinating mechanisms of the national response team and, for radioactive material, the Federal Radiological Preparedness Coordinating Committee, the Secretary of Transportation shall develop and update periodically a curriculum consisting of a list of courses necessary to train public sector emergency response and preparedness teams.”

Subsec. (b). Pub. L. 109–59, §7113(b)(1), substituted “maintained and updated” for “developed” in introductory provisions.

Subsec. (b)(1)(C). Pub. L. 109–59, §7113(b)(2), substituted “with Federal financial assistance, including programs” for “under other United States Government grant programs, including those”.

Subsec. (c)(3). Pub. L. 109–59, §7113(c), inserted “and such other voluntary consensus standard-setting organizations as the Secretary of Transportation determines appropriate” before period at end.

Subsec. (d). Pub. L. 109–59, §7113(d)(1), substituted “National Response Team” for “national response team” in introductory provisions.

Subsec. (d)(1). Pub. L. 109–59, §7113(d)(2), substituted “Secretary” for “Director of the Federal Emergency Management Agency”.

Subsec. (d)(2). Pub. L. 109–59, §7126, substituted “Secretary” for “Secretary of Transportation”.

Pub. L. 109–59, §7113(d)(3), inserted “and distribute” after “publish” and substituted “list of programs and courses maintained and updated under this section and of any programs utilizing such courses” for “list of programs that uses a course developed under this section for training public sector employees to respond to an accident or incident involving the transportation of hazardous material”.

1994—Subsec. (b)(1)(C). Pub. L. 103–429 substituted “126(g)” for “126”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“Administrator of the Federal Emergency Management Agency” substituted for “Director of the Federal Emergency Management Agency” in subsec. (a) on authority of section 612(c) of Pub. L. 109–295, set out as a note under section 313 of Title 6, Domestic Security. Any reference to the Administrator of the Federal Emergency Management Agency in title VI of Pub. L. 109–295 or an amendment by title VI to be considered to refer and apply to the Director of the Federal Emergency Management Agency until Mar. 31, 2007, see section 612(f)(2) of Pub. L. 109–295, set out as a note under section 313 of Title 6.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114–94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

§ 5116. Planning and training grants, monitoring, and review

(a) PLANNING AND TRAINING GRANTS.—(1) The Secretary shall make grants to States and Indian tribes—

(A) to develop, improve, and carry out emergency plans under the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.), including ascertaining flow patterns of hazardous material on lands under the jurisdiction of a State or Indian tribe, and between lands under the jurisdiction of a State or Indian tribe and lands of another State or Indian tribe;

(B) to decide on the need for regional hazardous material emergency response teams; and

(C) to train public sector employees to respond to accidents and incidents involving hazardous material.

(2) To the extent that a grant is used to train emergency responders under paragraph (1)(C), the State or Indian tribe shall provide written certification to the Secretary that the emergency responders who receive training under the