

cial training, equipment, or personnel that would be required by such facility and designated local emergency planning agencies to carry out such evacuation.

§ 5113. Unsatisfactory safety rating

A violation of section 31144(c)(3) shall be considered a violation of this chapter, and shall be subject to the penalties in sections 5123 and 5124. (Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 771; Pub. L. 105–178, title IV, § 4009(b), June 9, 1998, 112 Stat. 407; Pub. L. 109–59, title VII, § 7112(a), Aug. 10, 2005, 119 Stat. 1899.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5113(a)	49 App.:1814(a).	Jan. 3, 1975, Pub. L. 93–633, 88 Stat. 2156, §117; added Nov. 3, 1990, Pub. L. 101–500, §15(b)(1), 104 Stat. 1218.
5113(b)	49 App.:1814(b).	
5113(c)	49 App.:1814(c).	
5113(d)	49 App.:2501 (note).	Nov. 3, 1990, Pub. L. 101–500, §15(b)(2), 104 Stat. 1219.

In subsections (a) and (c), the words “individuals” is substituted for “passengers, including the driver” for clarity and consistency.

In subsection (a), before clause (1), the words “Effective January 1, 1991” are omitted as obsolete. The words “to take such action as may be necessary” are omitted as surplus.

In subsection (b), the words “from the Secretary” and “conditions and other” are omitted as surplus.

In subsection (d), the words “Not later than 1 year after the date of enactment of this Act” are omitted as obsolete.

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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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.

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