



7 July 2021

(21-5369)

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Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1. Notifying Member: <u>UNITED STATES OF AMERICA</u> If applicable, name of local government involved (Article 3.2 and 7.2):
2. Agency responsible: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT) [1773] Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above: Please submit comments to: USA WTO TBT Enquiry Point, Email: usatbtep@nist.gov
3. Notified under Article 2.9.2 [], 2.10.1 [], 5.6.2 [], 5.7.1 [], other [X]:
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Transuranic waste and highway route controlled quantities of radioactive material; Environmental protection (ICS 13.020), Special wastes (ICS 13.030.30), Installations and equipment for waste disposal and treatment (ICS 13.030.40), Domestic safety (ICS 13.120), Accident and disaster control (ICS 13.200), Radiation protection (ICS 13.280), Protection against dangerous goods (ICS 13.300)
5. Title, number of pages and language(s) of the notified document: Incorporation by Reference; North American Standard Out-of-Service Criteria; Hazardous Materials Safety Permits (7 page(s), in English)
6. Description of content: Notice of proposed rulemaking (NPRM) - FMCSA proposes amendments to its Hazardous Materials Safety Permits regulations to incorporate by reference the updated Commercial Vehicle Safety Alliance (CVSA) handbook containing inspection procedures and Out-of-Service Criteria (OOSC) for inspections of shipments of transuranic waste and highway route controlled quantities of radioactive material. The OOSC provide enforcement personnel nationwide, including FMCSA's State partners, with uniform enforcement tolerances for inspections. Currently, the regulations reference the 1 April 2019, edition of the handbook. Through this document, FMCSA proposes to incorporate by reference the 1 April 2021 edition.
7. Objective and rationale, including the nature of urgent problems where applicable: Protection of human health or safety; Protection of the environment
8. Relevant documents: <ul style="list-style-type: none">86 Federal Register (FR) 35443, 6 July 2021; Title 49 Code of Federal Regulations (CFR) Part 385: https://www.govinfo.gov/content/pkg/FR-2021-07-06/html/2021-14039.htm https://www.govinfo.gov/content/pkg/FR-2021-07-06/pdf/2021-14039.pdf

<p>This notice of proposed rulemaking is identified by Docket Number FMCSA-2021-0063. The Docket Folder is available from Regulations.gov at https://www.regulations.gov/docket/FMCSA-2021-0063/document and provides access to primary documents as well as comments received. Documents are also accessible from Regulations.gov by searching the Docket Number. WTO Members and their stakeholders are asked to submit comments to the USA TBT Enquiry Point. Comments received by the USA TBT Enquiry Point from WTO Members and their stakeholders will be shared with the regulator and will also be submitted to the Docket on Regulations.gov if received within the comment period.</p>	
9.	Proposed date of adoption: To be determined Proposed date of entry into force: To be determined
10.	Final date for comments: 5 August 2021
11.	Texts available from: National enquiry point [] or address, telephone and fax numbers and email and website addresses, if available, of other body: https://www.govinfo.gov/content/pkg/FR-2021-07-06/html/2021-14039.htm https://www.govinfo.gov/content/pkg/FR-2021-07-06/pdf/2021-14039.pdf https://members.wto.org/crnattachments/2021/TBT/USA/21_4525_00_e.pdf