



CHAPTER 88 - URANIUM MILL TAILINGS RADIATION CONTROL

- [Sec. 7901.](#) Congressional findings and purposes
- [Sec. 7911.](#) Definitions
- [Sec. 7912.](#) Processing site designations
- [Sec. 7913.](#) State cooperative agreements
- [Sec. 7914.](#) Acquisition and disposition of lands and materials
- [Sec. 7915.](#) Indian tribe cooperative agreements
- [Sec. 7916.](#) Acquisition of land by Secretary; transfer of public lands by Secretary of the Interior to Secretary; consultations with Governor; consent of Governor; transfer from Federal agency to Secretary
- [Sec. 7917.](#) Financial assistance
- [Sec. 7918.](#) Remedial action and mineral recovery activities
- [Sec. 7919.](#) Rules
- [Sec. 7920.](#) Enforcement
- [Sec. 7921.](#) Public participation; public hearings
- [Sec. 7922.](#) Termination of authority of Secretary
- [Sec. 7923.](#) Limitation of contractual authority
- [Sec. 7924.](#) Reports to Congress
- [Sec. 7925.](#) Active operations; liability for remedial action
- [Sec. 7941.](#) Study of authority for regulation and control of residual radioactive materials at New Mexico sites for protection of public health, safety, and the environment; report to Congress and Secretary; basis for determination of inadequacy of authority; interim regulation pending completion of study

Search this title:

[Notes](#)

- [Sec. 7942.](#) Designation by Secretary as processing sites for subchapter I purposes

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[about us](#)

[send email](#)



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US CODE
COLLECTION



[collection home](#)

[search](#)

[TITLE 42](#) > [CHAPTER 88](#) > Sec. 7901.

[Next](#)

Sec. 7901. - Congressional findings and purposes

(a)

The Congress finds that uranium mill tailings located at active and inactive mill operations may pose a potential and significant radiation health hazard to the public, and that the protection of the public health, safety, and welfare and the regulation of interstate commerce require that every reasonable effort be made to provide for the stabilization, disposal, and control in a safe and environmentally sound manner of such tailings in order to prevent or minimize radon diffusion into the environment and to prevent or minimize other environmental hazards from such tailings.

Search this title:

(b)

The purposes of this chapter are to provide -

(1)

in cooperation with the interested States, Indian tribes, and the persons who own or control inactive mill tailings sites, a program of assessment and remedial action at such sites, including, where appropriate, the reprocessing of tailings to extract residual uranium and other mineral values where practicable, in order to stabilize and control such tailings in a safe and environmentally sound manner and to minimize or eliminate radiation health hazards to the public, and

[Notes](#)

[Updates](#)

[Parallel authorities \(CFR\)](#)

[Topical references](#)

(2)

a program to regulate mill tailings during uranium or thorium ore processing at active mill operations and after termination of such operations in order to stabilize and control such tailings in a safe and environmentally sound manner and to minimize or eliminate radiation health hazards to the public

[Next](#)

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[send email](#)



legal information institute

collection home

US CODE
COLLECTION



search

[Prev](#) | [Next](#)

[TITLE 42](#) > [CHAPTER 88](#) > Sec. 7911.

Sec. 7911. - Definitions

For purposes of this subchapter -

(1)

The term "Secretary" means the Secretary of Energy.

(2)

The term "Commission" means the Nuclear Regulatory Commission.

(3)

The term "Administrator" means the Administrator of the Environmental Protection Agency.

(4)

The term "Indian tribe" means any tribe, band, clan, group, pueblo, or community of Indians recognized as eligible for services provided by the Secretary of the Interior to Indians.

(5)

The term "person" means any individual, association, partnership, corporation, firm, joint venture, trust, government entity, and any other entity, except that such term does not include any Indian or Indian tribe.

(6)

The term "processing site" means -

(A)

any site, including the mill, containing residual radioactive materials at which all or substantially all of the uranium was produced for sale to any Federal agency prior to January 1, 1971 under a contract with any Federal agency, except in the case of a site at or near Slick Rock, Colorado, unless -

(i)

such site was owned or controlled as of January 1, 1978, or is thereafter

owned or controlled, by any Federal agency, or

(ii)

a license (issued by the Commission or its predecessor agency under the Atomic Energy Act of 1954 ([42 U.S.C. 2011](#) et seq.) or by a State as permitted under section 274 of such Act ([42 U.S.C. 2021](#))) for the production at such site of any uranium or thorium product derived from ores is in effect on January 1, 1978, or is issued or renewed after such date; and

Search this title:

(B)

any other real property or improvement thereon which -

(i)

is in the vicinity of such site, and

(ii)

is determined by the Secretary, in consultation with the Commission, to be contaminated with residual radioactive materials derived from such site.

Any ownership or control of an area by a Federal agency which is acquired pursuant to a cooperative agreement under this subchapter shall not be treated as ownership or control by such agency for purposes of subparagraph (A)(i). A license for the production of any uranium product from residual radioactive materials shall not be treated as a license for production from ores within the meaning of subparagraph (A)(ii) if such production is in accordance with section [7918](#)(b) of this title.

(7)

The term "residual radioactive material" means -

(A)

waste (which the Secretary determines to be radioactive) in the form of tailings resulting from the processing of ores for the extraction of uranium and other valuable constituents of the ores; and

(B)

other waste (which the Secretary determines to be radioactive) at a processing site which relate to such processing, including any residual stock of unprocessed ores or low-grade materials.

(8)

The term "tailings" means the remaining portion of a metal-bearing ore after some or all of such metal, such as uranium, has been extracted.

[Notes](#)

[Updates](#)

[Parallel authorities \(CFR\)](#)

[Topical references](#)

(9)

The term "Federal agency" includes any executive agency as defined in section [105](#) of title [5](#).

(10)

The term "United States" means the 48 contiguous States and Alaska, Hawaii, Puerto Rico, the District of Columbia, and the territories and possessions of the United States

[Prev](#) | [Next](#)

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[send email](#)



Sec. 7912. - Processing site designations

(a) Specific and other site locations; remedial action; consultations; boundaries; Grand Junction, Colorado, site restriction

(1)

As soon as practicable, but no later than one year after November 8, 1978, the Secretary shall designate processing sites at or near the following locations: Salt Lake City, Utah Green River, Utah Mexican Hat, Utah Durango, Colorado Grand Junction, Colorado Rifle, Colorado (two sites) Gunnison, Colorado Naturita, Colorado Maybell, Colorado Slick Rock, Colorado (two sites) Shiprock, New Mexico Ambrosia Lake, New Mexico Riverton, Wyoming Converse County, Wyoming Lakeview, Oregon Falls City, Texas Tuba City, Arizona Monument Valley, Arizona Lowman, Idaho Cannonsburg, Pennsylvania Subject to the provisions of this subchapter, the Secretary shall complete remedial action at the above listed sites before his authority terminates under this subchapter. The Secretary shall within one year of November 8, 1978, also designate all other processing sites within the United States which he determines requires remedial action to carry out the purposes of this subchapter. In making such designation, the Secretary shall consult with the Administrator, the Commission, and the affected States, and in the case of Indian lands, the appropriate Indian tribe and the Secretary of the Interior.

(2)

As part of his designation under this subsection, the Secretary, in consultation with the Commission, shall determine the boundaries of each such site.

(3)

No site or structure with respect to which remedial action is authorized under [Public Law 92-314](#) in Grand Junction, Colorado, may be designated by the Secretary as a processing site under this section.

(b) Health hazard assessment; priorities for remedial action

Within one year from November 8, 1978, the Secretary shall assess the

potential health hazard to the public from the residual radioactive materials at designated processing sites. Based upon such assessment, the Secretary shall, within such one year period, establish priorities for carrying out remedial action at each such site. In establishing such priorities, the Secretary shall rely primarily on the advice of the Administrator.

Search this title:

(c) Notification

Within thirty days after making designations of processing sites and establishing the priorities for such sites under this section, the Secretary shall notify the Governor of each affected State, and, where appropriate, the Indian tribes and the Secretary of the Interior.

[Notes](#)

[Updates](#)

[Parallel authorities \(CFR\)](#)

[Topical references](#)

(d) Finality of determinations

The designations made, and priorities established, by the Secretary under this section shall be final and not be subject to judicial review.

(e) Certain real property or improved areas

(1)

The designation of processing sites within one year after November 8, 1978, under this section shall include, to the maximum extent practicable, the areas referred to in section [7911\(6\)\(B\)](#) of this title.

(2)

Notwithstanding the one year limitation contained in this section, the Secretary may, after such one year period, include any area described in section [7911\(6\)\(B\)](#) of this title as part of a processing site designated under this section if he determines such inclusion to be appropriate to carry out the purposes of this subchapter.

(3)

The Secretary shall designate as a processing site within the meaning of section [7911\(6\)](#) of this title any real property, or improvements thereon, in Edgemont, South Dakota, that -

(A)

is in the vicinity of the Tennessee Valley Authority uranium mill site at Edgemont (but not including such site), and

(B)

is determined by the Secretary to be contaminated with residual radioactive materials.

In making the designation under this paragraph, the Secretary shall consult

with the Administrator, the Commission and the State of South Dakota. The provisions of this subchapter shall apply to the site so designated in the same manner and to the same extent as to the sites designated under subsection (a) of this section except that, in applying such provisions to such site, any reference in this subchapter to November 8, 1978, shall be treated as a reference to January 4, 1983, and in determining the State share under section [7917](#) of this title of the costs of remedial action, there shall be credited to the State, expenditures made by the State prior to January 4, 1983, which the Secretary determines would have been made by the State or the United States in carrying out the requirements of this subchapter

[Prev](#) | [Next](#)

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[send email](#)



[TITLE 42](#) > [CHAPTER 88](#) > Sec. 7913.

[Prev](#) | [Next](#)

Sec. 7913. - State cooperative agreements

(a) Authority of Secretary; prompt commencement of preparations

After notifying a State of the designation referred to in section [7912](#) of this title, the Secretary subject to section [7923](#) of this title, is authorized to enter into cooperative agreements with such State to perform remedial actions at each designated processing site in such State (other than a site located on Indian lands referred to in section [7915](#) of this title). The Secretary shall, to the greatest extent practicable, enter into such agreements and carry out such remedial actions in accordance with the priorities established by him under section [7912](#) of this title. The Secretary shall commence preparations for cooperative agreements with respect to each designated processing site as promptly as practicable following the designation of each site.

(b) Terms and conditions; limitation of Federal assistance

Each cooperative agreement under this section shall contain such terms and conditions as the Secretary deems appropriate and consistent with the purposes of this chapter, including, but not limited to, a limitation on the use of Federal assistance to those costs which are directly required to complete the remedial action selected pursuant to section [7918](#) of this title.

(c) Written consent of record interest holder; waiver

(1)

Except where the State is required to acquire the processing site as provided in subsection (a) of section [7914](#) of this title, each cooperative agreement with a State under this section shall provide that the State shall obtain, in a form prescribed by the Secretary, written consent from any person holding any record interest in the designated processing site for the Secretary or any person designated by him to perform remedial action at such site.

(2)

Such written consent shall include a waiver by each such person on behalf of himself, his heirs, successors, and assigns -

(A)

releasing the United States of any liability or claim thereof by such person, his heirs, successors, and assigns concerning such remedial action, and

(B)

holding the United States harmless against any claim by such person on behalf of himself, his heirs, successors, or assigns arising out of the performance of any such remedial action.

(d) Inspection entries; termination of right of entry

Each cooperative agreement under this section shall require the State to assure that the Secretary, the Commission, and the Administrator and their authorized representatives have a permanent right of entry at any time to inspect the processing site and the site provided pursuant to section [7914](#)(b)(1) of this title in furtherance of the provisions of this subchapter and to carry out such agreement and enforce this chapter and any rules prescribed under this chapter. Such right of entry under this section or section [7916](#) of this title into an area described in section [7911](#)(6)(B) of this title shall terminate on completion of the remedial action, as determined by the Secretary.

(e) Effective date

Each agreement under this section shall take effect only upon the concurrence of the Commission with the terms and conditions thereof.

(f) Reimbursement

The Secretary may, in any cooperative agreement entered into under this section or section [7915](#) of this title, provide for reimbursement of the actual costs, as determined by the Secretary, of any remedial action performed with respect to so much of a designated processing site as is described in section [7911](#)(6)(B) of this title. Such reimbursement shall be made only to a property owner of record at the time such remedial action was undertaken and only with respect to costs incurred by such property owner. No such reimbursement may be made unless -

(1)

such remedial action was completed prior to November 8, 1978, and unless the application for such reimbursement was filed by such owner within one year after an agreement under this section or section [7915](#) of this title is approved by the Secretary and the Commission, and

(2)

the Secretary is satisfied that such action adequately achieves the purposes of this chapter with respect to the site concerned and is consistent with the

Search this title:

[Notes](#)

[Updates](#)

[Parallel authorities \(CFR\)](#)

[Topical references](#)

standards established by the Administrator pursuant to section [2022](#)(a) of this title

[Prev](#) | [Next](#)

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US CODE
COLLECTION



collection home

search

[TITLE 42](#) > [CHAPTER 88](#) > Sec. 7914.

[Prev](#) | [Next](#)

Sec. 7914. - Acquisition and disposition of lands and materials

(a) State acquisition; windfall profits prevention

Each cooperative agreement under section [7913](#) of this title shall require the State, where determined appropriate by the Secretary with the concurrence of the Commission, to acquire any designated processing site, including where appropriate any interest therein. In determining whether to require the State to acquire a designated processing site or interest therein, consideration shall be given to the prevention of windfall profits.

(b) Disposition and stabilization site for residual radioactive materials; Federal site available

(1)

If the Secretary with the concurrence of the Commission determines that removal of residual radioactive material from a processing site is appropriate, the cooperative agreement shall provide that the State shall acquire land (including, where appropriate, any interest therein) to be used as a site for the permanent disposition and stabilization of such residual radioactive materials in a safe and environmentally sound manner.

(2)

Acquisition by the State shall not be required under this subsection if a site located on land controlled by the Secretary or made available by the Secretary of the Interior pursuant to section [7916\(2\)](#) of this title is designated by the Secretary, with the concurrence of the Commission, for such disposition and stabilization.

(c) Boundary limitations

No State shall be required under subsection (a) or (b) of this section to acquire any real property or improvement outside the boundaries of -

(1)

that portion of the processing site which is described in section [7911\(6\)\(A\)](#) of this title, and

(2)

the site used for disposition of the residual radioactive materials.

(d) Purchasers of sites; notification; rules and regulations

In the case of each processing site designated under this subchapter other than a site designated on Indian land, the State shall take such action as may be necessary, and pursuant to regulations of the Secretary under this subsection, to assure that any person who purchases such a processing site after the removal of radioactive materials from such site shall be notified in an appropriate manner prior to such purchase, of the nature and extent of residual radioactive materials removed from the site, including notice of the date when such action took place, and the condition of such site after such action. If the State is the owner of such site, the State shall so notify any prospective purchaser before entering into a contract, option, or other arrangement to sell or otherwise dispose of such site. The Secretary shall issue appropriate rules and regulations to require notice in the local land records of the residual radioactive materials which were located at any processing site and notice of the nature and extent of residual radioactive materials removed from the site, including notice of the date when such action took place. For purposes of this subsection, the term "site" does not include any property described in section [7911](#)(6)(B) of this title which is in a State which the Secretary has certified has a program which would achieve the purposes of this subsection.

(e) State disposition; terms and conditions; fair market value; offer of sale to prior owner

(1)

The terms and conditions of any cooperative agreement with a State under section [7913](#) of this title shall provide that in the case of any lands or interests therein acquired by the State pursuant to subsection (a) of this section, the State, with the concurrence of the Secretary and the Commission, may -

(A)

sell such lands and interests,

(B)

permanently retain such land and interests in lands (or donate such lands and interests therein to another governmental entity within such State) for permanent use by such State or entity solely for park, recreational, or other public purposes, or

(C)

transfer such lands and interests to the United States as provided in subsection (f) of this section.

Search this title:

No lands may be sold under subparagraph (A) without the consent of the Secretary and the Commission. No site may be sold under subparagraph (A) or retained under subparagraph (B) if such site is used for the disposition of residual radioactive materials.

(2)

Before offering for sale any lands and interests therein which comprise a processing site, the State shall offer to sell such lands and interests at their fair market value to the person from whom the State acquired them.

(f) Transfer of title to Secretary; payment from funds for administrative and legal costs; custody of property; compliance with health and environmental standards for uranium mill tailings; transfer of title restriction

(1)

Each agreement under section [7913](#) of this title shall provide that title to -

(A)

the residual radioactive materials subject to the agreement, and

(B)

any lands and interests therein which have been acquired by the State, under subsection (a) or (b) of this section, for the disposition of such materials,

shall be transferred by the State to the Secretary when the Secretary (with the concurrence of the Commission) determines that remedial action is completed in accordance with the requirements imposed pursuant to this subchapter. No payment shall be made in connection with the transfer of such property from funds appropriated for purposes of this chapter other than payments for any administrative and legal costs incurred in carrying out such transfer.

(2)

Custody of any property transferred to the United States under this subsection shall be assumed by the Secretary or such Federal agency as the President may designate. Notwithstanding any other provision of law, upon completion of the remedial action program authorized by this subchapter, such property and minerals shall be maintained pursuant to a license issued by the Commission in such manner as will protect the public health, safety, and the environment. The Commission may, pursuant to such license or by rule or order, require the Secretary or other Federal agency having custody of such property and minerals to undertake such monitoring, maintenance, and

[Notes](#)

[Updates](#)

[Parallel authorities \(CFR\)](#)

[Topical references](#)

emergency measures necessary to protect public health and safety and other actions as the Commission deems necessary to comply with the standards of section [2022\(a\)](#) of this title. The Secretary or such other Federal agency is authorized to carry out maintenance, monitoring and emergency measures under this subsection, but shall take no other action pursuant to such license, rule or order with respect to such property and minerals unless expressly authorized by Congress after November 8, 1978. The United States shall not transfer title to property or interest therein acquired under this subsection to any person or State, except as provided in subsection (h) of this section.

(g) Reimbursement; fair market value; deposits in Treasury

Each agreement under section [7913](#) of this title which permits any sale described in subsection (e)(1)(A) of this section shall provide for the prompt reimbursement to the Secretary from the proceeds of such sale. Such reimbursement shall be in an amount equal to the lesser of -

(1)

that portion of the fair market value of the lands or interests therein which bears the same ratio to such fair market value as the Federal share of the costs of acquisition by the State to such lands or interest therein bears to the total cost of such acquisition, or

(2)

the total amount paid by the Secretary with respect to such acquisition.

The fair market value of such lands or interest shall be determined by the Secretary as of the date of the sale by the State. Any amounts received by the Secretary under this subchapter shall be deposited in the Treasury of the United States as miscellaneous receipts.

(h) Subsurface mineral rights; sale, lease, or other disposition; restoration costs for disturbance of residual radioactive materials

No provision of any agreement under section [7913](#) of this title shall prohibit the Secretary of the Interior, with the concurrence of the Secretary of Energy and the Commission, from disposing of any subsurface mineral rights by sale or lease (in accordance with laws of the United States applicable to the sale, lease, or other disposal of such rights) which are associated with land on which residual radioactive materials are disposed and which are transferred to the United States as required under this section if the Secretary of the Interior takes such action as the Commission deems necessary pursuant to a license issued by the Commission to assure that the residual radioactive materials will not be disturbed by reason of any activity carried on following such disposition. If any such materials are disturbed by any such activity, the Secretary of the Interior shall insure, prior to the disposition of the minerals, that such materials will be restored to a safe and environmentally sound

condition as determined by the Commission, and that the costs of such restoration will be borne by the person acquiring such rights from the Secretary of the Interior or from his successor or assign

[Prev](#) | [Next](#)

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[collection home](#)

[search](#)

[TITLE 42](#) > [CHAPTER 88](#) > Sec. 7915.

[Prev](#) | [Next](#)

Sec. 7915. - Indian tribe cooperative agreements

(a) Authority of Secretary; priorities for remedial action; use of Indian personnel; terms and conditions

Indian personnel; terms and conditions

After notifying the Indian tribe of the designation pursuant to section [7912](#) of this title, the Secretary, in consultation with the Secretary of the Interior, is authorized to enter into a cooperative agreement, subject to section [7923](#) of this title, with any Indian tribe to perform remedial action at a designated processing site located on land of such Indian tribe. The Secretary shall, to the greatest extent practicable, enter into such agreements and carry out such remedial actions in accordance with the priorities established by him under section [7912](#) of this title. In performing any remedial action under this section and in carrying out any continued monitoring or maintenance respecting residual radioactive materials associated with any site subject to a cooperative agreement under this section, the Secretary shall make full use of any qualified members of Indian tribes resident in the vicinity of any such site. Each such agreement shall contain such terms and conditions as the Secretary deems appropriate and consistent with the purposes of this chapter. Such terms and conditions shall require the following:

(1)

The Indian tribe and any person holding any interest in such land shall execute a waiver

(A)

releasing the United States of any liability or claim thereof by such tribe or person concerning such remedial action and

(B)

holding the United States harmless against any claim arising out of the performance of any such remedial action.

(2)

The remedial action shall be selected and performed in accordance with

Search this title:

[Notes](#)

[Updates](#)

[Parallel authorities \(CFR\)](#)

[Topical references](#)

section [7918](#) of this title by the Secretary or such person as he may designate.

(3)

The Secretary, the Commission, and the Administrator and their authorized representatives shall have a permanent right of entry at any time to inspect such processing site in furtherance of the provisions of this subchapter, to carry out such agreement, and to enforce any rules prescribed under this chapter.

Each agreement under this section shall take effect only upon concurrence of the Commission with the terms and conditions thereof.

(b) Disposition and stabilization sites for residual radioactive materials; transfer to Secretary of the Interior

When the Secretary with the concurrence of the Commission determines removal of residual radioactive materials from a processing site on lands described in subsection (a) of this section to be appropriate, he shall provide, consistent with other applicable provisions of law, a site or sites for the permanent disposition and stabilization in a safe and environmentally sound manner of such residual radioactive materials. Such materials shall be transferred to the Secretary (without payment therefor by the Secretary) and permanently retained and maintained by the Secretary under the conditions established in a license issued by the Commission, subject to section [7914](#)(f)(2) and (h) of this title

[Prev](#) | [Next](#)

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legal information institute

[collection home](#)

US CODE COLLECTION



[search](#)

[Prev](#) | [Next](#)

[TITLE 42](#) > [CHAPTER 88](#) > Sec. 7916.

Sec. 7916. - Acquisition of land by Secretary; transfer of public lands by Secretary of the Interior to Secretary; consultations with Governor; consent of Governor; transfer from Federal agency to Secretary

Where necessary or appropriate in order to consolidate in a safe and environmentally sound manner the location of residual radioactive materials which are removed from processing sites under cooperative agreements under this subchapter, or where otherwise necessary for the permanent disposition and stabilization of such materials in such manner -

(1)

the Secretary may acquire land and interests in land for such purposes by purchase, donation, or under any other authority of law or

(2)

the Secretary of the Interior may transfer permanently to the Secretary to carry out the purposes of this chapter, public lands under the jurisdiction of the Bureau of Land Management in the vicinity of processing sites in the following counties:

(A)

Apache County in the State of Arizona;

(B)

Mesa, Gunnison, Moffat, Montrose, Garfield, and San Miguel Counties in the State of Colorado;

(C)

Boise County in the State of Idaho;

(D)

Billings and Bowman Counties in the State of North Dakota;

(E)

Grand and San Juan Counties in the State of Utah;

Search this title:

[Notes](#)

[Updates](#)

(F)

Converse and Fremont Counties in the State of Wyoming; and

(G)

Any other county in the vicinity of a processing site, if no site in the county in which a processing site is located is suitable.

Any permanent transfer of lands under the jurisdiction of the Bureau of Land Management by the Secretary of the Interior to the Secretary shall not take place until the Secretary complies with the requirements of the National Environmental Policy Act ([42](#) U.S.C. [4321](#) et seq.) with respect to the selection of a site for the permanent disposition and stabilization of residual radioactive materials. Section [1714](#) of title [43](#) shall not apply to this transfer of jurisdiction. Prior to acquisition of land under paragraph (1) or (2) of this subsection [\[1\]](#) in any State, the Secretary shall consult with the Governor of such State. No lands may be acquired under such paragraph (1) or (2) in any State in which there is no

(1)

processing site designated under this subchapter or

(2)

active uranium mill operation, unless the Secretary has obtained the consent of the Governor of such State. No lands controlled by any Federal agency may be transferred to the Secretary to carry out the purposes of this chapter without the concurrence of the chief administrative officer of such agency.

[\[1\]](#) So in original. Probably should be "section"

[Prev](#) | [Next](#)

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[collection home](#)

[search](#)

[TITLE 42](#) > [CHAPTER 88](#) > Sec. 7917.

[Prev](#) | [Next](#)

Sec. 7917. - Financial assistance

(a) Federal and non-Federal funds; administrative costs

In the case of any designated processing site for which an agreement is executed with any State for remedial action at such site, the Secretary shall pay 90 per centum of the actual cost of such remedial action, including the actual costs of acquiring such site (and any interest therein) or any disposition site (and any interest therein) pursuant to section [7913](#) of this title, and the State shall pay the remainder of such costs from non-Federal funds. The Secretary shall not pay the administrative costs incurred by any State to develop, prepare, and carry out any cooperative agreement executed with such State under this subchapter, except the proportionate share of the administrative costs associated with the acquisition of lands and interests therein acquired by the State pursuant to this subchapter.

Search this title:

[Notes](#)

[Updates](#)

[Parallel authorities \(CFR\)](#)

[Topical references](#)

(b) Indian land processing sites

In the case of any designated processing site located on Indian lands, the Secretary shall pay the entire cost of such remedial action

[Prev](#) | [Next](#)

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US CODE
COLLECTION



collection home

search

[TITLE 42](#) > [CHAPTER 88](#) > Sec. 7918.

[Prev](#) | [Next](#)

Sec. 7918. - Remedial action and mineral recovery activities

(a) General standards for remedial action; Federal performance and State participation; use of technology; promulgation of standards

(1)

The Secretary or such person as he may designate shall select and perform remedial actions at designated processing sites and disposal sites in accordance with the general standards prescribed by the Administrator pursuant to section 275 a. of the Atomic Energy Act of 1954 ([42 U.S.C. 2022\(a\)](#)). The State shall participate fully in the selection and performance of a remedial action for which it pays part of the cost. Such remedial action shall be selected and performed with the concurrence of the Commission and in consultation, as appropriate, with the Indian tribe and the Secretary of the Interior. Residual radioactive material from a processing site designated under this subchapter may be disposed of at a facility licensed under title II under the administrative and technical requirements of such title. Disposal of such material at such a site in accordance with such requirements shall be considered to have been done in accordance with the administrative and technical requirements of this subchapter.

(2)

The Secretary shall use technology in performing such remedial action as will insure compliance with the general standards promulgated by the Administrator under section 275 a. of the Atomic Energy Act of 1954 ([42 U.S.C. 2022\(a\)](#)) and will assure the safe and environmentally sound stabilization of residual radioactive materials, consistent with existing law.

(3)

Notwithstanding paragraphs (1) and (2) of this subsection, after October 31, 1982, if the Administrator has not promulgated standards under section 275 a. of the Atomic Energy Act of 1954 ([42 U.S.C. 2022\(a\)](#)) in final form by such date, remedial action taken by the Secretary under this subchapter shall comply with the standards proposed by the Administrator under such section 275 a. until such time as the Administrator promulgates the standards in final form.

Search this title:

[Notes](#)

[Updates](#)

[Parallel authorities \(CFR\)](#)

[Topical references](#)

(b) Mineral concentration evaluation; terms and conditions for mineral recovery; payment of Federal and State share of net profits; recovery costs; licenses

Prior to undertaking any remedial action at a designated site pursuant to this subchapter, the Secretary shall request expressions of interest from private parties regarding the remilling of the residual radioactive materials and the site and, upon receipt of any expression of interest, the Secretary shall evaluate among other things the mineral concentration of the residual radioactive materials at each designated processing site to determine whether, as a part of any remedial action program, recovery of such minerals is practicable. The Secretary, with the concurrence of the Commission, may permit the recovery of such minerals, under such terms and conditions as he may prescribe to carry out the purposes of this subchapter. No such recovery shall be permitted unless such recovery is consistent with remedial action. Any person permitted by the Secretary to recover such mineral shall pay to the Secretary a share of the net profits derived from such recovery, as determined by the Secretary. Such share shall not exceed the total amount paid by the Secretary for carrying out remedial action at such designated site. After payment of such share to the United States under this subsection, such person shall pay to the State in which the residual radioactive materials are located a share of the net profits derived from such recovery, as determined by the Secretary. The person recovering such minerals shall bear all costs of such recovery. Any person carrying out mineral recovery activities under this paragraph shall be required to obtain any necessary license under the Atomic Energy Act of 1954 ([42 U.S.C. 2011](#) et seq.) or under State law as permitted under section 274 of such Act ([42 U.S.C. 2021](#))

[Prev](#) | [Next](#)

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[about us](#)

[send email](#)

LI

legal information institute

[collection home](#)

[TITLE 42](#) > [CHAPTER 88](#) > Sec. 7919.

US CODE
COLLECTION



[search](#)

[Prev](#) | [Next](#)

Search this title:

Sec. 7919. - Rules

The Secretary may prescribe such rules consistent with the purposes of this chapter as he deems appropriate pursuant to title V of the Department of Energy Organization Act ([42](#) U.S.C. [7191](#) et seq.)

[Notes](#)

[Updates](#)

[Parallel authorities \(CFR\)](#)

[Topical references](#)

[Prev](#) | [Next](#)

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[about us](#)

[send email](#)



legal information institute

US CODE
COLLECTION



collection home

search

[TITLE 42](#) > [CHAPTER 88](#) > Sec. 7920.

[Prev](#) | [Next](#)

Sec. 7920. - Enforcement

(a) Civil penalty; appellate review; action to recover civil penalty; sovereign immunity; equitable remedies

(1)

Any person who violates any provision of this subchapter or any cooperative agreement entered into pursuant to this subchapter or any rule prescribed under this chapter concerning any designated processing site, disposition site, or remedial action shall be subject to an assessment by the Secretary of a civil penalty of not more than \$1,000 per day per violation. Such assessment shall be made by order after notice and an opportunity for a public hearing, pursuant to section [554](#) of title [5](#).

(2)

Any person against whom a penalty is assessed under this section may, within sixty calendar days after the date of the order of the Secretary assessing such penalty, institute an action in the United States court of appeals for the appropriate judicial circuit for judicial review of such order in accordance with chapter [7](#) of title [5](#). The court shall have jurisdiction to enter a judgment affirming, modifying, or setting aside in whole or in part, the order of the Secretary, or the court may remand the proceeding to the Secretary for such further action as the court may direct. Search this title:

(3)

If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, the Secretary shall institute an action to recover the amount of such penalty in any appropriate district court of the United States. In such action, the validity and appropriateness of such final assessment order or judgment shall not be subject to review. Section [7172](#)(d) of this title shall not apply with respect to the functions of the Secretary under this section.

[Notes](#)

[Updates](#)

[Parallel authorities \(CFR\)](#)

[Topical references](#)

(4)

No civil penalty may be assessed against the United States or any State or political subdivision of a State or any official or employee of the foregoing.

(5)

Nothing in this section shall prevent the Secretary from enforcing any provision of this subchapter or any cooperative agreement or any such rule by injunction or other equitable remedy.

(b) Atomic energy licensing requirements

Subsection (a) of this section shall not apply to any licensing requirement under the Atomic Energy Act of 1954 ([42](#) U.S.C. [2011](#) et seq.). Such licensing requirements shall be enforced by the Commission as provided in such Act

[Prev](#) | [Next](#)

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[about us](#)

[send email](#)



legal information institute

US CODE
COLLECTION



[collection home](#)

[search](#)

[TITLE 42](#) > [CHAPTER 88](#) > Sec. 7921.

[Prev](#) | [Next](#)

Search this title:

Sec. 7921. - Public participation; public hearings

In carrying out the provisions of this subchapter, including the designation of processing sites, establishing priorities for such sites, the selection of remedial actions, and the execution of cooperative agreements, the Secretary, the Administrator, and the Commission shall encourage public participation and, where appropriate, the Secretary shall hold public hearings relative to such matters in the States where processing sites and disposal sites are located

[Notes](#)

[Updates](#)

[Parallel authorities \(CFR\)](#)

[Topical references](#)

[Prev](#) | [Next](#)

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[about us](#)

[send email](#)

[TITLE 42](#) > [CHAPTER 88](#) > Sec. 7922.[Prev](#) | [Next](#)

Sec. 7922. - Termination of authority of Secretary

(a) Exceptions; "byproduct material" defined

(1)

The authority of the Secretary to perform remedial action under this subchapter shall terminate on September 30, 1998, except that -

(A)

the authority of the Secretary to perform groundwater restoration activities under this subchapter is without limitation, and

(B)

the Secretary may continue operation of the disposal site in Mesa County, Colorado (known as the Cheney disposal cell) for receiving and disposing of residual radioactive material from processing sites and of byproduct material from property in the vicinity of the uranium milling site located in Monticello, Utah, until the Cheney disposal cell has been filled to the capacity for which it was designed, or September 30, 2023, whichever comes first.

Search this title:

(2)

For purposes of this subsection, the term "byproduct material" has the meaning given that term in section [2014](#)(e)(2) of this title.

[Notes](#)[Updates](#)[Parallel authorities \(CFR\)](#)[Topical references](#)

(b) Authorization of appropriations

The amounts authorized to be appropriated to carry out the purposes of this subchapter by the Secretary, the Administrator, the Commission, and the Secretary of the Interior shall not exceed such amounts as are established in annual authorization Acts for fiscal year 1979 and each fiscal year thereafter applicable to the Department of Energy. Any sums appropriated for the purposes of this subchapter shall be available until expended

[Prev](#) | [Next](#)

LI

legal information institute

[collection home](#)

[TITLE 42](#) > [CHAPTER 88](#) > [Sec. 7923.](#)

US CODE COLLECTION



[search](#)

[Prev](#) | [Next](#)

Search this title:

Sec. 7923. - Limitation of contractual authority

The authority under this subchapter to enter into contracts or other obligations requiring the United States to make outlays may be exercised only to the extent provided in advance in annual authorization and appropriation Acts

[Notes](#)

[Updates](#)

[Parallel authorities \(CFR\)](#)

[Topical references](#)

[Prev](#) | [Next](#)

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[about us](#)

[send email](#)



Sec. 7924. - Reports to Congress

(a) Information; consultations; separate official views; partial report concerning uranium mill tailings provisions

Beginning on January 1, 1980, and each year thereafter until January 1, 1986, the Secretary shall submit a report to the Congress with respect to the status of the actions required to be taken by the Secretary, the Commission, the Secretary of the Interior, the Administrator, and the States and Indian tribes under this chapter and any amendments to other laws made by this Act. Each report shall -

(1)

include data on the actual and estimated costs of the program authorized by this subchapter;

(2)

describe the extent of participation by the States and Indian tribes in this program;

(3)

evaluate the effectiveness of remedial actions, and describe any problems associated with the performance of such actions; and

(4)

contain such other information as may be appropriate.

Such report shall be prepared in consultation with the Commission, the Secretary of the Interior, and the Administrator and shall contain their separate views, comments, and recommendations, if any. The Commission shall submit to the Secretary and Congress such portion of the report under this subsection as relates to the authorities of the Commission under title II of this Act.

(b) Identification of sites; Federal agency jurisdiction; contents; duplication prohibition; use and cooperation respecting other Federal agency information

Federal agency information

Search this title:

Not later than July 1, 1979, the Secretary shall provide a report to the Congress which identifies all sites located on public or acquired lands of the United States containing residual radioactive materials and other radioactive [1] waste (other than waste resulting from the production of electric energy) and specifies which Federal agency has jurisdiction over such sites. The report shall include the identity of property and other structures in the vicinity of such site that are contaminated or may be contaminated by such materials and the actions planned or taken to remove such materials. The report shall describe in what manner such sites are adequately stabilized and otherwise controlled to prevent radon diffusion from such sites into the environment and other environmental harm. If any site is not so stabilized or controlled, the report shall describe the remedial actions planned for such site and the time frame for performing such actions. In preparing the reports under this section, the Secretary shall avoid duplication of previous or ongoing studies and shall utilize all information available from other departments and agencies of the United States respecting the subject matter of such report. Such agencies shall cooperate with the Secretary in the preparation of such report and furnish such information as available to them and necessary for such report. "radioactive".

[Notes](#)[Updates](#)[Parallel authorities \(CFR\)](#)[Topical references](#)

(c) Uranium mine wastes hazards elimination program

Not later than January 1, 1980, the Administrator, in consultation with the Commission, shall provide a report to the Congress which identifies the location and potential health, safety, and environmental hazards of uranium mine wastes together with recommendations, if any, for a program to eliminate these hazards.

(d) Reports to Congressional committees

Copies of the reports required by this section to be submitted to the Congress shall be separately submitted to the Committees on Interior and Insular Affairs and on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(e) Documentation of information; public availability; trade secrets and other disclosure exempt information

The Commission, in cooperation with the Secretary, shall ensure that any relevant information, other than trade secrets and other proprietary information otherwise exempted from mandatory disclosure under any other provision of law, obtained from the conduct of each of the remedial actions authorized by this subchapter and the subsequent perpetual care of those residual radioactive materials is documented systematically, and made publicly available conveniently for use

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[Prev](#) | [Next](#)

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[about us](#)

[send email](#)



[TITLE 42](#) > [CHAPTER 88](#) > Sec. 7925.

[Prev](#) | [Next](#)

Sec. 7925. - Active operations; liability for remedial action

(a)

No amount may be expended under this subchapter with respect to any site licensed by the Commission under the Atomic Energy Act of 1954 ([42 U.S.C. 2011](#) et seq.) or by a State as permitted under section 274 of such Act ([42 U.S.C. 2021](#)) at which production of any uranium product from ores (other than from residual radioactive materials) takes place. This subsection does not prohibit the disposal of residual radioactive material from a processing site under this subchapter at a site licensed under title II or the expenditure of funds under this subchapter for such disposal.

Search this title:

(b)

In the case of each processing site designated under this subchapter, the Attorney General shall conduct a study to determine the identity and legal responsibility which any person (other than the United States, a State, or Indian tribe) who owned or operated or controlled (as determined by the Attorney General) such site before November 8, 1978, may have under any law or rule of law for reclamation or other remedial action with respect to such site. The Attorney General shall publish the results of such study, and provide copies thereof to the Congress, as promptly as practicable following November 8, 1978. The Attorney General, based on such study, shall, to the extent he deems it appropriate and in the public interest, take such action under any provision of law in effect when uranium was produced at such site to require payment by such person of all or any part of the costs incurred by the United States for such remedial action for which he determines such person is liable

[Notes](#)

[Updates](#)

[Parallel authorities \(CFR\)](#)

[Topical references](#)

[Prev](#) | [Next](#)

LII

legal information institute

US CODE
COLLECTION



[collection home](#)

[search](#)

[TITLE 42](#) > [CHAPTER 88](#) > Sec. 7941.

[Prev](#) | [Next](#)

Sec. 7941. - Study of authority for regulation and control of residual radioactive materials at New Mexico sites for protection of public health, safety, and the environment; report to Congress and Secretary; basis for determination of inadequacy of authority; interim regulation pending completion of study

The Commission, in consultation with the Attorney General and the Attorney General of the State of New Mexico, shall conduct a study to determine the extent and adequacy of the authority of the Commission and the State of New Mexico to require, under the Atomic Energy Act of 1954 (as amended by title II of this Act) ([42 U.S.C. 2011](#) et seq.) or under State authority as permitted under section 274 of such Act ([42 U.S.C. 2021](#)) or under other provision of law, the owners of the following active uranium mill sites to undertake appropriate action to regulate and control all residual radioactive materials at such sites to protect public health, safety, and the environment: the former Homestake-New Mexico Partners site near Milan, New Mexico, and the Anaconda carbonate process tailings site near Bluewater, New Mexico. Such study shall be completed and a report thereof submitted to the Congress and to the Secretary within one year after November 8, 1978, together with such recommendations as may be appropriate. If the Commission determines that such authority is not adequate to regulate and control such materials at such sites in the manner provided in the first sentence of this section, the Commission shall include in the report a statement of the basis for such determination. Nothing in this chapter shall be construed to prevent or delay action by a State as permitted under section 274 of the Atomic Energy Act of 1954 ([42 U.S.C. 2021](#)) or under any other provision of law or by the Commission to regulate such residual radioactive materials at such sites prior to completion of such study

Search this title:

[Notes](#)

[Updates](#)

[Parallel authorities \(CFR\)](#)

[Topical references](#)

[Prev](#) | [Next](#)

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