

[42 USCS § 2114](#)

Current through Public Law 116-149, approved July 14, 2020.

United States Code Service > **TITLE 42. THE PUBLIC HEALTH AND WELFARE (Chs. 1 — 161)** > **CHAPTER 23. DEVELOPMENT AND CONTROL OF ATOMIC ENERGY (§§ 2011 — 2297h-13)** > **ATOMIC ENERGY (§§ 2011 — 2296b-7)** > **BYPRODUCT MATERIAL (§§ 2111 — 2114)**

§ 2114. Authorities of Commission respecting certain byproduct material

(a) Management function. The Commission shall insure that the management of any byproduct material, as defined in section 11(e)(2) [[42 USCS § 2014\(e\)\(2\)](#)], is carried out in such manner as—

(1) the Commission deems appropriate to protect the public health and safety and the environment from radiological and nonradiological hazards associated with the processing and with the possession and transfer of such material, taking into account the risk to the public health, safety, and the environment, with due consideration of the economic costs and such other factors as the Commission determines to be appropriate, [,]

(2) conforms with applicable general standards promulgated by the Administrator of the Environmental Protection Agency under section 275 [[42 USCS § 2022](#)], and

(3) conforms to general requirements established by the Commission, with the concurrence of the Administrator, which are, to the maximum extent practicable, at least comparable to requirements applicable to the possession, transfer, and disposal of similar hazardous material regulated by the Administrator under the Solid Waste Disposal Act, as amended.

(b) Rules, regulations, or orders for certain activities; civil penalty. In carrying out its authority under this section, the Commission is authorized to—

(1) by rule, regulation, or order require persons, officers, or instrumentalities exempted from licensing under section 81 of this Act [[42 USCS § 2111](#)] to conduct monitoring, perform remedial work, and to comply with such other measures as it may deem necessary or desirable to protect health or to minimize danger to life or property, and in connection with the disposal or storage of such byproduct material; and

(2) make such studies and inspections and to conduct such monitoring as may be necessary.

Any violation by any person other than the United States or any officer or employee of the United States or a State of any rule, regulation, or order or licensing provision, of the Commission established under this section or section 83 [[42 USCS § 2113](#)] shall be subject to a civil penalty in the same manner and in the same amount as violations subject to a civil penalty under section 234 [[42 USCS § 2282](#)]. Nothing in this section affects any authority of the Commission under any other provision of this Act [[42 USCS §§ 2011](#) et seq.].

(c) Alternative requirements or proposals. In the case of sites at which ores are processed primarily for their source material content or which are used for the disposal of byproduct material as defined in section 11(e)(2) [[42 USCS § 2014\(e\)\(2\)](#)], a licensee may propose alternatives to specific requirements adopted and enforced by the Commission under this Act [[42 USCS §§ 2011](#) et seq.]. Such alternative proposals may take into account local or regional conditions, including geology, topography, hydrology and meteorology. The Commission may treat such alternatives as satisfying Commission requirements if the Commission determines that such alternatives will achieve a level of stabilization and containment of the sites concerned, and a level of protection for public health, safety, and the environment from radiological and nonradiological hazards associated with such sites, which is equivalent to, to the extent practicable, or more stringent than the level which would be

achieved by standards and requirements adopted and enforced by the Commission for the same purpose and any final standards promulgated by the Administrator of the Environmental Protection Agency in accordance with section 275 [[42 USCS § 2022](#)].

History

HISTORY:

Act Aug. 1, 1946, ch 724, Title I, Ch. 8, § 84, as added Nov. 8, 1978, [P. L. 95-604](#), Title II, § 205(a), [92 Stat. 3039](#); Jan. 4, 1983, [P. L. 97-415](#), §§ 20, 22(a), [96 Stat. 2079](#), 2080; Oct. 24, 1992, [P. L. 102-486](#), Title IX, § 902(a)(8), [106 Stat. 2944](#).

United States Code Service
Copyright © 2020 Matthew Bender & Company, Inc.
a member of the LexisNexis Group (TM)
All rights reserved. All rights reserved.