

credited education, practical experience, successful passage of required examinations, and such other criteria as the Secretary shall deem necessary for the adequate qualification of individuals to administer radiologic procedures. Such standards shall not apply to practitioners.

(Pub. L. 97-35, title IX, §979, Aug. 13, 1981, 95 Stat. 599; Pub. L. 102-54, §13(q)(13)(A), June 13, 1991, 105 Stat. 281.)

AMENDMENTS

1991—Subsecs. (a), (b). Pub. L. 102-54 substituted “Secretary of Veterans Affairs” for “Administrator of Veterans’ Affairs”.

§ 10005. Model statute

In order to encourage the administration of accreditation and certification programs by the States, the Secretary shall prepare and transmit to the States a model statute for radiologic procedure safety. Such model statute shall provide that—

(1) it shall be unlawful in a State for individuals to perform radiologic procedures unless such individuals are certified by the State to perform such procedures; and

(2) any educational requirements for certification of individuals to perform radiologic procedures shall be limited to educational programs accredited by the State.

(Pub. L. 97-35, title IX, §980, Aug. 13, 1981, 95 Stat. 600.)

§ 10006. Compliance

(a) Implementation by Secretary

The Secretary shall take all actions consistent with law to effectuate the purposes of this chapter.

(b) Accreditation or certification program

A State may utilize an accreditation or certification program administered by a private entity if—

(1) such State delegates the administration of the State accreditation or certification program to such private entity;

(2) such program is approved by the State; and

(3) such program is consistent with the minimum Federal standards promulgated under this chapter for such program.

(c) Noncompliance; proposed legislative changes

Absent compliance by the States with the provisions of this chapter within three years after August 13, 1981, the Secretary shall report to the Congress recommendations for legislative changes considered necessary to assure the States’ compliance with this chapter.

(d) Repealed. Pub. L. 104-66, title I, § 1061(b), Dec. 21, 1995, 109 Stat. 719

(e) Existing standards and guidelines

Notwithstanding any other provision of this section, in the case of a State which has, prior to the effective date of standards and guidelines promulgated pursuant to this chapter, established standards for the accreditation of educational programs and certification of radiologic technologists, such State shall be deemed

to be in compliance with the conditions of this section unless the Secretary determines, after notice and hearing, that such State standards do not meet the minimum standards prescribed by the Secretary or are inconsistent with the purposes of this chapter.

(Pub. L. 97-35, title IX, §981, Aug. 13, 1981, 95 Stat. 600; Pub. L. 104-66, title I, §1061(b), Dec. 21, 1995, 109 Stat. 719.)

AMENDMENTS

1995—Subsec. (d). Pub. L. 104-66 struck out subsec. (d) which read as follows: “The Secretary shall be responsible for continued monitoring of compliance by the States with the applicable provisions of this chapter and shall report to the Senate and the House of Representatives by January 1, 1982, and January 1 of each succeeding year the status of the States’ compliance with the purposes of this chapter.”

§ 10007. Federal radiation guidelines

The Secretary shall, in conjunction with the Radiation Policy Council, the Secretary of Veterans Affairs, the Administrator of the Environmental Protection Agency, appropriate agencies of the States, and appropriate professional organizations, promulgate Federal radiation guidelines with respect to radiologic procedures. Such guidelines shall—

(1) determine the level of radiation exposure due to radiologic procedures which is unnecessary and specify the techniques, procedures, and methods to minimize such unnecessary exposure;

(2) provide for the elimination of the need for retakes of diagnostic radiologic procedures;

(3) provide for the elimination of unproductive screening programs;

(4) provide for the optimum diagnostic information with minimum radiologic exposure; and

(5) include the therapeutic application of radiation to individuals in the treatment of disease, including nuclear medicine applications.

(Pub. L. 97-35, title IX, §982, Aug. 13, 1981, 95 Stat. 601; Pub. L. 102-54, §13(q)(13)(B), June 13, 1991, 105 Stat. 281.)

AMENDMENTS

1991—Pub. L. 102-54 substituted “Secretary of Veterans Affairs” for “Administrator of Veterans’ Affairs” in introductory provisions.

§ 10008. Applicability to Federal agencies

(a) Except as provided in subsection (b), each department, agency, and instrumentality of the executive branch of the Federal Government shall comply with standards promulgated pursuant to this chapter.

(b) The Secretary of Veterans Affairs, through the Under Secretary for Health of the Department of Veterans Affairs, shall, to the maximum extent feasible consistent with the responsibilities of such Secretary and Under Secretary for Health under title 38, prescribe regulations making the standards promulgated pursuant to this chapter applicable to the provision of radiologic procedures in facilities over which that Secretary has jurisdiction. In prescribing and implementing regulations pursuant to this sub-

section, the Secretary of Veterans Affairs shall consult with the Secretary in order to achieve the maximum possible coordination of the regulations, standards, and guidelines, and the implementation thereof, which the Secretary and the Secretary of Veterans Affairs prescribe under this chapter.

(Pub. L. 97-35, title IX, §983, Aug. 13, 1981, 95 Stat. 601; Pub. L. 102-54, §13(q)(13)(C), June 13, 1991, 105 Stat. 282; Pub. L. 102-405, title III, §302(e)(1), Oct. 9, 1992, 106 Stat. 1985.)

AMENDMENTS

1992—Subsec. (b). Pub. L. 102-405 substituted “Under Secretary for Health” for “Chief Medical Director” in two places.

1991—Subsec. (b). Pub. L. 102-54 substituted “The Secretary of Veterans Affairs, through the Chief Medical Director of the Department of Veterans Affairs, shall, to the maximum extent feasible consistent with the responsibilities of such Secretary and Chief Medical Director under title 38” for “(1) The Administrator of Veterans’ Affairs, through the Chief Medical Director of the Veterans’ Administration, shall, to the maximum extent feasible consistent with the responsibilities of such Administrator and Chief Medical Director under subtitle 38”, “over which that Secretary” for “over which the Administrator”, and “Secretary of Veterans Affairs” for “Administrator” wherever else appearing, and struck out pars. (2) and (3) which read as follows:

“(2) Not later than 180 days after standards are promulgated by the Secretary pursuant to this chapter, the Administrator of Veterans’ Affairs shall submit to the appropriate committees of Congress a full report with respect to the regulations (including guidelines, policies, and procedures thereunder) prescribed pursuant to paragraph (1) of this subsection. Such report shall include—

“(A) an explanation of any inconsistency between standards made applicable by such regulations and the standards promulgated by the Secretary pursuant to this chapter;

“(B) an account of the extent, substance, and results of consultations with the Secretary respecting the prescription and implementation of regulations by the Administrator; and

“(C) such recommendations for legislation and administrative action as the Administrator determines are necessary and desirable.

“(3) The Administrator of Veterans’ Affairs shall publish the report required by paragraph (2) in the Federal Register.”

CHAPTER 108—NUCLEAR WASTE POLICY

- Sec. 10101. Definitions.
- 10102. Separability.
- 10103. Territories and possessions.
- 10104. Ocean disposal.
- 10105. Limitation on spending authority.
- 10106. Protection of classified national security information.
- 10107. Applicability to atomic energy defense activities.
- 10108. Applicability to transportation.

SUBCHAPTER I—DISPOSAL AND STORAGE OF HIGH-LEVEL RADIOACTIVE WASTE, SPENT NUCLEAR FUEL, AND LOW-LEVEL RADIOACTIVE WASTE

- 10121. State and affected Indian tribe participation in development of proposed repositories for defense waste.

PART A—REPOSITORIES FOR DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE AND SPENT NUCLEAR FUEL

- 10131. Findings and purposes.

- Sec. 10132. Recommendation of candidate sites for site characterization.
- 10133. Site characterization.
- 10134. Site approval and construction authorization.
- 10135. Review of repository site selection.
- 10136. Participation of States.
- 10137. Consultation with States and affected Indian tribes.
- 10138. Participation of Indian tribes.
- 10139. Judicial review of agency actions.
- 10140. Expedited authorizations.
- 10141. Certain standards and criteria.
- 10142. Disposal of spent nuclear fuel.
- 10143. Title to material.
- 10144. Consideration of effect of acquisition of water rights.
- 10145. Termination of certain provisions.

PART B—INTERIM STORAGE PROGRAM

- 10151. Findings and purposes.
- 10152. Available capacity for interim storage of spent nuclear fuel.
- 10153. Interim at-reactor storage.
- 10154. Licensing of facility expansions and shipments.
- 10155. Storage of spent nuclear fuel.
- 10156. Interim Storage Fund.
- 10157. Transportation.

PART C—MONITORED RETRIEVABLE STORAGE

- 10161. Monitored retrievable storage.
- 10162. Authorization of monitored retrievable storage.
- 10163. Monitored Retrievable Storage Commission.
- 10164. Survey.
- 10165. Site selection.
- 10166. Notice of disapproval.
- 10167. Benefits agreement.
- 10168. Construction authorization.
- 10169. Financial assistance.

PART D—LOW-LEVEL RADIOACTIVE WASTE

- 10171. Financial arrangements for low-level radioactive waste site closure.

PART E—REDIRECTION OF NUCLEAR WASTE PROGRAM

- 10172. Selection of Yucca Mountain site.
- 10172a. Siting a second repository.

PART F—BENEFITS

- 10173. Benefits agreements.
- 10173a. Content of agreements.
- 10173b. Review Panel.
- 10173c. Termination.

PART G—OTHER BENEFITS

- 10174. Consideration in siting facilities.
- 10174a. Report.

PART H—TRANSPORTATION

- 10175. Transportation.

SUBCHAPTER II—RESEARCH, DEVELOPMENT, AND DEMONSTRATION REGARDING DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE AND SPENT NUCLEAR FUEL

- 10191. Purpose.
- 10192. Applicability.
- 10193. Identification of sites.
- 10194. Siting research and related activities.
- 10195. Test and evaluation facility siting review and reports.
- 10196. Federal agency actions.
- 10197. Research and development on disposal of high-level radioactive waste.
- 10198. Research and development on spent nuclear fuel.