

## CODIFICATION

Section was formerly classified to section 7274m of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108-136.

## AMENDMENTS

2013—Pub. L. 113-66 struck out subsec. (a) designation and heading and subsec. (b) which required report regarding fulfillment of safety oversight requirements.

2003—Subsec. (b). Pub. L. 108-136, §3141(i)(13)(D), substituted “January 5, 1995,” for “90 days after October 5, 1994.”

**§ 2733. Program to monitor Department of Energy workers exposed to hazardous and radioactive substances**

**(a) In general**

The Secretary of Energy shall establish and carry out a program for the identification and on-going medical evaluation of current and former Department of Energy employees who are subject to significant health risks as a result of the exposure of such employees to hazardous or radioactive substances during such employment.

**(b) Implementation of program**

(1) The Secretary shall, with the concurrence of the Secretary of Health and Human Services, issue regulations under which the Secretary shall implement the program. Such regulations shall, to the extent practicable, provide for a process to—

(A) identify the hazardous substances and radioactive substances to which current and former Department of Energy employees may have been exposed as a result of such employment;

(B) identify employees referred to in subparagraph (A) who received a level of exposure identified under paragraph (2)(B);

(C) determine the appropriate number, scope, and frequency of medical evaluations and laboratory tests to be provided to employees who have received a level of exposure identified under paragraph (2)(B) to permit the Secretary to evaluate fully the extent, nature, and medical consequences of such exposure;

(D) make available the evaluations and tests referred to in subparagraph (C) to the employees referred to in such subparagraph;

(E) ensure that privacy is maintained with respect to medical information that personally identifies any such employee; and

(F) ensure that employee participation in the program is voluntary.

(2)(A) In determining the most appropriate means of carrying out the activities referred to in subparagraphs (A) through (D) of paragraph (1), the Secretary shall consult with the Secretary of Health and Human Services under the agreement referred to in subsection (c).

(B) The Secretary of Health and Human Services, with the assistance of the Director of the Centers for Disease Control and Prevention and the Director of the National Institute for Occupational Safety and Health, and the Secretary of Labor shall identify the levels of exposure to the substances referred to in subparagraph (A) of paragraph (1) that present employees referred to in such subparagraph with significant health

risks under Federal and State occupational, health, and safety standards.

(3) In prescribing the guidelines referred to in paragraph (1), the Secretary shall consult with representatives of the following entities:

(A) The American College of Occupational and Environmental Medicine.

(B) The National Academy of Sciences.

(C) The National Council on Radiation Protection and Measurements.

(D) Any labor organization or other collective bargaining agent authorized to act on the behalf of employees of a Department of Energy defense nuclear facility.

(4) The Secretary shall provide for each employee identified under paragraph (1)(B) and provided with any medical examination or test under paragraph (1) to be notified by the appropriate medical personnel of the identification and the results of any such examination or test. Each notification under this paragraph shall be provided in a form that is readily understandable by the employee.

(5) The Secretary shall collect and assemble information relating to the examinations and tests carried out under paragraph (1).

(6) The Secretary shall commence carrying out the program described in this subsection not later than October 23, 1993.

**(c) Agreement with Secretary of Health and Human Services**

Not later than April 23, 1993, the Secretary shall enter into an agreement with the Secretary of Health and Human Services relating to the establishment and conduct of the program required and regulations issued under this section.

**(d) Definitions**

In this section:

(1) The term “Department of Energy defense nuclear facility” has the meaning given that term in section 2704(f) of this title.

(2) The term “Department of Energy employee” means any employee of the Department of Energy employed at a Department of Energy defense nuclear facility, including any employee of a contractor or subcontractor of the Department of Energy employed at such a facility.

(Pub. L. 107-314, div. D, title XLVI, §4643, formerly Pub. L. 102-484, div. C, title XXXI, §3162, Oct. 23, 1992, 106 Stat. 2646; renumbered Pub. L. 107-314, div. D, title XLVI, §4643, and amended Pub. L. 108-136, div. C, title XXXI, §3141(i)(14), Nov. 24, 2003, 117 Stat. 1779; Pub. L. 112-239, div. C, title XXXI, §3134(b)(2), Jan. 2, 2013, 126 Stat. 2193; Pub. L. 113-66, div. C, title XXXI, §3146(g)(11), Dec. 26, 2013, 127 Stat. 1080.)

## CODIFICATION

Section was formerly classified to section 7274i of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108-136.

## AMENDMENTS

2013—Subsec. (a). Pub. L. 113-66, §3146(g)(11)(A), inserted “of Energy” after “Secretary”.

Subsec. (b)(2)(B). Pub. L. 113-66, §3146(g)(11)(B)(i), inserted “and Prevention” after “Disease Control” and substituted a period for semicolon at end.

Subsec. (b)(3)(C). Pub. L. 113-66, §3146(g)(11)(B)(ii), inserted “and Measurements” after “Radiation Protection”.

Subsec. (b)(4). Pub. L. 113-66, §3146(g)(11)(B)(iii), substituted “paragraph (1)(B)” for “paragraph (1)(D)” and “paragraph (1)” for “paragraph (1)(E)”.

Subsec. (b)(5). Pub. L. 113-66, §3146(g)(11)(B)(iv), substituted “paragraph (1)” for “paragraph (1)(E)”.

Subsec. (d)(1). Pub. L. 112-239 substituted “section 2704(f)” for “section 2704(g)”.

2003—Subsec. (b)(6). Pub. L. 108-136, §3141(i)(14)(D)(i), substituted “October 23, 1993” for “1 year after October 23, 1992”.

Subsec. (c). Pub. L. 108-136, §3141(i)(14)(D)(ii), substituted “April 23, 1993,” for “180 days after October 23, 1992.”

Subsec. (d). Pub. L. 108-136, §3141(i)(14)(D)(iii), added subsec. (d).

**§ 2734. Programs for persons who may have been exposed to radiation released from Hanford Nuclear Reservation**

**(a) Funding**

Of the funds authorized to be appropriated to the Department of Energy under title XXXI of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510), the Secretary of Energy shall make available \$3,000,000 to the State of Washington, \$1,000,000 to the State of Oregon, and \$1,000,000 to the State of Idaho. Such funds shall be used to develop and implement programs for the benefit of persons who may have been exposed to radiation released from the Department of Energy Hanford Nuclear Reservation (Richland, Washington) between the years 1944 and 1972.

**(b) Programs**

The programs to be developed by the States may include only the following activities:

(1) Preparing and distributing information on the health effects of radiation to health care professionals, and to persons who may have been exposed to radiation.

(2) Developing and implementing mechanisms for referring persons who may have been exposed to radiation to health care professionals with expertise in the health effects of radiation.

(3) Evaluating and, if feasible, implementing, registration and monitoring of persons who may have been exposed to radiation released from the Hanford Nuclear Reservation.

**(c) Plan and reports**

(1) The States of Washington, Oregon, and Idaho shall jointly develop a single plan for implementing this section.

(2) Not later than May 5, 1991, such States shall submit to the Secretary of Energy and Congress a copy of the plan developed under paragraph (1).

(3) Not later than May 5, 1992, such States shall submit to the Secretary of Energy and Congress a single report on the implementation of the plan developed under paragraph (1).

(4) In developing and implementing the plan, such States shall consult with persons carrying out current radiation dose and epidemiological research programs (including the Hanford Thyroid Disease Study of the Centers for Disease Control and Prevention and the Hanford Environmental Dose Reconstruction Project of the

Department of Energy), and may not cause substantial damage to such research programs.

**(d) Prohibition on disclosure of exposure information**

(1) Except as provided in paragraph (2), a person may not disclose to the public the following:

(A) Any information obtained through a program that identifies a person who may have been exposed to radiation released from the Hanford Nuclear Reservation.

(B) Any information obtained through a program that identifies a person participating in any of the programs developed under this section.

(C) The name, address, and telephone number of a person requesting information referred to in subsection (b)(1).

(D) The name, address, and telephone number of a person who has been referred to a health care professional under subsection (b)(2).

(E) The name, address, and telephone number of a person who has been registered and monitored pursuant to subsection (b)(3).

(F) Information that identifies the person from whom information referred to in this paragraph was obtained under a program or any other third party involved with, or identified by, any such information so obtained.

(G) Any other personal or medical information that identifies a person or party referred to in subparagraphs (A) through (F).

(H) Such other information or categories of information as the chief officers of the health departments of the States of Washington, Oregon, and Idaho jointly designate as information covered by this subsection.

(2) Information referred to in paragraph (1) may be disclosed to the public if the person identified by the information, or the legal representative of that person, has consented in writing to the disclosure.

(3) The States of Washington, Oregon, and Idaho shall establish uniform procedures for carrying out this subsection, including procedures governing the following:

(A) The disclosure of information under paragraph (2).

(B) The use of the Hanford Health Information Network database.

(C) The future disposition of the database.

(D) Enforcement of the prohibition provided in paragraph (1) on the disclosure of information described in that paragraph.

(Pub. L. 107-314, div. D, title XLVI, §4644, formerly Pub. L. 101-510, div. C, title XXXI, §3138, Nov. 5, 1990, 104 Stat. 1834; Pub. L. 103-337, div. C, title XXXI, §3138(b), Oct. 5, 1994, 108 Stat. 3087; renumbered Pub. L. 107-314, div. D, title XLVI, §4644, and amended Pub. L. 108-136, div. C, title XXXI, §3141(i)(15), Nov. 24, 2003, 117 Stat. 1780; Pub. L. 113-66, div. C, title XXXI, §3146(g)(12), Dec. 26, 2013, 127 Stat. 1080.)

REFERENCES IN TEXT

Title XXXI of the National Defense Authorization Act for Fiscal Year 1991, referred to in subsec. (a), is title XXXI of div. C of Pub. L. 101-510, Nov. 5, 1990, 104 Stat. 1824, as amended. For complete classification of title XXXI to the Code, see Tables.