

graph (1) to non-profit organizations that have demonstrated (as determined by the Secretary) capabilities in—

- (i) implementing and conducting effective training and education programs relating to the general health and safety of workers; and
- (ii) identifying, and involving in training, groups of workers whose duties include hazardous substance response or emergency response.

(B) The Secretary shall give preference in the award of grants under this section to employee organizations and joint labor-management training programs that are grant recipients under section 9660a of title 42.

(3) An organization awarded a grant under paragraph (1) shall carry out training, education, or curricula development pursuant to Department of Energy orders relating to employee safety training, including orders numbered 5480.4 and 5480.11.

**(b) Enforcement of employee safety standards**

(1) Subject to paragraph (2), the Secretary shall assess civil penalties against any contractor of the Department of Energy who (as determined by the Secretary)—

(A) employs individuals who are engaged in hazardous substance response or emergency response at Department of Energy nuclear weapons facilities; and

(B) fails (i) to provide for the training of such individuals to carry out such hazardous substance response or emergency response, or (ii) to certify to the Department of Energy that such employees are adequately trained for such response pursuant to orders issued by the Department of Energy relating to employee safety training (including orders numbered 5480.4 and 5480.11).

(2) Civil penalties assessed under this subsection may not exceed \$5,000 for each day in which a failure referred to in paragraph (1)(B) occurs.

**(c) Regulations**

The Secretary shall prescribe regulations to carry out this section.

**(d) Definitions**

For the purposes of this section, the term “hazardous substance” includes radioactive waste and mixed radioactive and hazardous waste.

(Pub. L. 107-314, div. D, title XLVI, §4641, formerly Pub. L. 102-190, div. C, title XXXI, §3131, Dec. 5, 1991, 105 Stat. 1571; renumbered Pub. L. 107-314, div. D, title XLVI, §4641, and amended Pub. L. 108-136, div. C, title XXXI, §3141(i)(12), Nov. 24, 2003, 117 Stat. 1779; Pub. L. 113-66, div. C, title XXXI, §3146(g)(9), Dec. 26, 2013, 127 Stat. 1080.)

CODIFICATION

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

AMENDMENTS

2013—Subsec. (e). Pub. L. 113-66 struck out subsec. (e). Text read as follows: “Of the funds authorized to be ap-

propriated pursuant to section 3101(9)(A) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190), \$10,000,000 may be used for the purpose of carrying out this section.”

2003—Subsec. (e). Pub. L. 108-136, §3141(i)(12)(D), inserted “of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190)” after “section 3101(9)(A)”.

**§ 2732. Safety oversight and enforcement at defense nuclear facilities**

The Secretary of Energy shall take appropriate actions to ensure that—

(1) officials of the Department of Energy who are responsible for independent oversight of matters relating to nuclear safety at defense nuclear facilities and enforcement of nuclear safety standards at such facilities maintain independence from officials who are engaged in, or who are advising persons who are engaged in, management of such facilities;

(2) the independent, internal oversight functions carried out by the Department include activities relating to—

(A) the assessment of the safety of defense nuclear facilities;

(B) the assessment of the effectiveness of Department program offices in carrying out programs relating to the environment, safety, health, and security at defense nuclear facilities;

(C) the provision to the Secretary of oversight reports that—

(i) contain validated technical information; and

(ii) provide a clear analysis of the extent to which line programs governing defense nuclear facilities meet applicable goals for the environment, safety, health, and security at such facilities; and

(D) the development of clear performance standards to be used in assessing the adequacy of the programs referred to in subparagraph (C)(ii);

(3) the Department has a system for bringing issues relating to nuclear safety at defense nuclear facilities to the attention of the officials of the Department (including the Secretary of Energy) who have authority to resolve such issues in an adequate and timely manner; and

(4) an adequate number of qualified personnel of the Department are assigned to oversee matters relating to nuclear safety at defense nuclear facilities and enforce nuclear safety standards at such facilities.

(Pub. L. 107-314, div. D, title XLVI, §4642, formerly Pub. L. 103-337, div. C, title XXXI, §3163, Oct. 5, 1994, 108 Stat. 3097; renumbered Pub. L. 107-314, div. D, title XLVI, §4642, and amended Pub. L. 108-136, div. C, title XXXI, §3141(i)(13), Nov. 24, 2003, 117 Stat. 1779; Pub. L. 113-66, div. C, title XXXI, §3146(g)(10), Dec. 26, 2013, 127 Stat. 1080.)

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”.