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United States Senate

COMMITTEE ON
ENERGY AND NATURAL RESOURCES

WASHINGTON, DC 20510-8150

NOV 13 1989

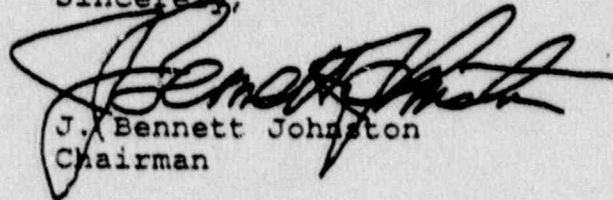
Chairman Lando W. Zech, Jr.
U.S. Nuclear Regulatory
Commission
Washington, DC 20555

Dear Chairman Zech:

The Senate Committee on Energy and Natural Resources is herewith transmitting S. 972 for your study and report. Please send your report, along with 50 copies, to the Committee on Energy and Natural Resources, SD-364, Dirksen Senate Office Building, Washington, DC 20510, Attention: Mia' Miranda. Hand delivered copies should be taken to SD-317.

Submit your report within 30 days. If you cannot do so, let us know as soon as possible.

Sincerely,



J. Bennett Johnston
Chairman

Enclosure

Referred also to: DOE + DMB

9001160129

101ST CONGRESS
1ST SESSION

S. 972

To transfer to the Secretary of Health and Human Services the authority of the Secretary of Energy to conduct epidemiological studies of the effects of radiation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 11 (legislative day, JANUARY 8), 1989

Mr. WIRTH introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To transfer to the Secretary of Health and Human Services the authority of the Secretary of Energy to conduct epidemiological studies of the effects of radiation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Radiation Research Re-
5 organization Act of 1989".

6 SEC. 2. FINDINGS.

7 The Congress makes the following findings:

1 (1) After many years of study there remain unre-
2 solved questions about the magnitude and nature of the
3 risk to human health posed by exposure to radiation
4 from sources such as nuclear bomb tests, the manufac-
5 ture of nuclear weapons, residing near nuclear produc-
6 tion facilities, nuclear power plants, and radioactive
7 wastes, and the medical uses of nuclear materials.

8 (2) The risk to human health posed by present
9 and future Department of Energy facilities is and must
10 continue to be a crucial factor in decisions affecting
11 these facilities. Informed decisions cannot be made
12 without reliable and credible information on the risks to
13 human health that may result.

14 (3) Public health authorities must be able to direct
15 research and data collection efforts so that the true
16 nature and magnitude of the past and present risk
17 posed by human exposure to radiation can be deter-
18 mined, and so that effective means of protecting the
19 public against dangerous exposure can be developed
20 and implemented.

21 (4) The Secretary of Energy's responsibility for
22 production of nuclear materials and weapons conflicts
23 with the Secretary of Energy's responsibility under the
24 Energy Reorganization Act of 1974 (42 U.S.C. 5801

1 et seq.), to study the health impacts of activities of the
2 Department of Energy.

3 (5) There is considerable public doubt as to the in-
4 tegrity of health impact studies conducted by or on
5 behalf of the Department of Energy. Past practices of
6 the Department of Energy have amplified this doubt;
7 ultimately, however, it stems from and is the inescap-
8 able consequence of the dual and conflicting responsi-
9 bilities assigned to the Secretary of Energy. This doubt
10 can be relieved only by reassigning the responsibility
11 for epidemiological research into the health effects of
12 exposure to radiation to an independent department of
13 the government with no responsibility for the produc-
14 tion or maintenance of nuclear weapons.

15 SEC. 3. DEFINITIONS.

16 For purposes of this Act:

17 (1) The term "epidemiological studies" means sci-
18 entific studies of the incidence, distribution, and control
19 of a disease or diseases in a population.

20 (2) The term "radiation release" means the rou-
21 tine or accidental release of a radionuclide into the
22 workplace or the environment.

23 (3) The term "dose reconstruction" means the
24 identification of the types and quantities of radionu-

1 slides to which an individual or a population is or has
2 been exposed.

3 (4) The term "health risk assessment" means the
4 determination of the magnitude and probability of
5 actual or potential harm to the public health or envi-
6 ronment.

7 (5) The term "related studies" means scientific
8 studies, including health risk assessments and radiation
9 release and dose reconstruction studies, which are un-
10 dertaken as part of or in support of epidemiological
11 studies into the health effects of exposure to radiation.

12 (6) The term "Department of Energy facilities"
13 means facilities of the Department of Energy that are
14 involved in the design, production, processing or re-
15 processing, assembly, fabrication, testing, storage,
16 disassembly, or destruction of nuclear materials or
17 weapons.

18 **SEC. 4. TRANSFER.**

19 (a) **IN GENERAL.**—(1) There is transferred to the Sec-
20 retary of Health and Human Services the authority of the
21 Secretary of Energy to conduct, under section 103 of the
22 Energy Reorganization Act of 1974 (42 U.S.C. 5813) and
23 any other law, epidemiological studies of the effects of expo-
24 sure to radiation.

1 (2) In carrying out the function transferred by this sub-
2 section, the Secretary of Health and Human Services shall
3 consult with—

4 (A) the Administrator of the Agency for Toxic
5 Substances and Disease Registry;

6 (B) the Director of the Centers for Disease Con-
7 trol and the Director of the National Institute for Oc-
8 cupational Safety and Health;

9 (C) the Director of the National Institutes of
10 Health and the Directors of the National Cancer Insti-
11 tute and of the National Institute of Environmental
12 Health Sciences;

13 (D) the Commissioner of the Food and Drug Ad-
14 ministration and the Director of the Center for Devices
15 and Radiological Health; and

16 (E) the Directors of State Public Health Agencies
17 of States in which a Department of Energy nuclear fa-
18 cility is located.

19 (b) ANCILLARY TRANSFERS.—There are transferred to
20 the Secretary of Health and Human Services—

21 (1) the professional and administrative positions
22 overseen;

23 (2) the property and records now being used or
24 held;

25 (3) the obligations and commitments made; and

1 (4) the unexpended balances of appropriations, al-
2 locations, and other funds available (or to be made
3 available) for use,

4 by the Secretary of Energy in connection with the function
5 transferred by subsection (a).

6 (c) OMB REVIEW.—The Director of the Office of Man-
7 agement and Budget, at such time or times as the Director
8 shall determine, shall make—

9 (1) such determinations as may be necessary with
10 regard to the functions transferred by subsection (a);
11 and

12 (2) such incidental dispositions of personnel,
13 assets, liabilities, grants, contracts, property, records,
14 and unexpended balances of appropriations, authoriza-
15 tions, allocations, and other funds held, used, arising
16 from, available to, or to be made available in connec-
17 tion with such function,

18 as may be necessary to carry out the transfer of functions.

19 **SEC. 5. STUDIES BY THE SECRETARY OF HEALTH AND HUMAN**
20 **SERVICES.**

21 (a) **RESPONSIBILITIES OF THE DEPARTMENT OF**
22 **HEALTH AND HUMAN SERVICES.**—(1) The Secretary of
23 Health and Human Services shall undertake a comprehensive
24 program of epidemiological research, including related stud-
25 ies, into the health effects of exposure to radiation.

1 (2) The aim of the research program described in para-
2 graph (1) shall be the identification of the nature and magni-
3 tude of the risk to the public and to the workforce of the
4 Department of Energy resulting from Department of Energy
5 activities.

6 (b) COORDINATION WITH STATE PUBLIC HEALTH
7 AGENCIES.—The Secretary of Health and Human Services
8 shall ensure that research activities are coordinated with ap-
9 propriate State agencies responsible for public health.

10 **SEC. 6. REPORTS BY THE SECRETARY OF ENERGY.**

11 (a) REPORT OF AVAILABLE DATA AND RECORDS.—
12 Not later than 60 days after the date of enactment of this
13 Act, the Secretary of Energy shall prepare and submit to the
14 Secretary of Health and Human Services and the Congress a
15 complete listing of data and records held or maintained by the
16 Department of Energy and of potential use in the conduct
17 and evaluation of epidemiological and related studies.

18 (b) REPORT OF PAST LEVEL OF FUNDING.—Not later
19 than 60 days after the date of enactment of this Act, the
20 Secretary of Energy shall prepare and submit to the Secre-
21 tary of Health and Human Services and the Congress a com-
22 plete record of funds expended by the Department of Energy
23 on research related to the health effects of exposure to radi-
24 ation during each of the 5 years preceding the date of enact-
25 ment of this Act.

1 SEC. 7. ACCESS TO DATA AND RECORDS.

2 (a) DEPARTMENT OF ENERGY DATA AND RECORDS.—

3 (1) The Secretary of Energy shall provide to the Secretary of
4 Health and Human Services or the Secretary's designees
5 access to all data and records maintained or held by the Sec-
6 retary of Energy and not transferred to the Department of
7 Health and Human Services under section 4(b) if—

8 (A) such records are deemed by the Secretary of
9 Health and Human Services to be useful to epidemio-
10 logical research, health risk assessments, radiation re-
11 lease studies, or dose reconstruction studies; and

12 (B) the Secretary of Health and Human Services
13 has taken such steps as shall be necessary to ensure
14 the confidentiality of information pertaining to individ-
15 uals who are the subjects of the records.

16 (2) Specifically included in the data and records to be
17 made available by the Secretary of Energy to the Secretary
18 of Health and Human Services or the Secretary's designees
19 are data and records relating to worker health, worker expo-
20 sure to radiation, and routine and accidental releases of
21 radionuclides.

22 (3) Access to data and records described in paragraphs
23 (1) and (2) shall be provided to the Secretary of Health and
24 Human Services or the Secretary's designees within 30 days
25 following receipt by the Secretary of Energy of a written
26 request for access to data or records.

1 (4) The Secretary of Health and Human Services shall
2 not grant access to any employee of the Department of
3 Health and Human Services to classified material under
4 paragraph (1) unless such employee possesses an appropriate
5 security clearance and has a legitimate need to see the classi-
6 fied material in question.

7 (b) DEPARTMENT OF HEALTH AND HUMAN SERVICES
8 DATA AND RECORDS.—The Secretary of Health and
9 Human Services shall grant access to data and records held
10 or developed by the Department of Health and Human Serv-
11 ices, including data and records obtained from the Depart-
12 ment of Energy, to the public in accordance with the estab-
13 lished practices of the Department of Health and Human
14 Services.

15 SEC. 8. FUNDING FOR THE DEPARTMENT OF HEALTH AND
16 HUMAN SERVICES.

17 (a) LEVEL OF FUNDING.—The annual level of funding
18 provided to the Department of Health and Human Services
19 for the purpose of carrying out the responsibilities transferred
20 in section 4(a) shall in no event be less than the greatest of
21 the annual amounts reported by the Department of Energy
22 pursuant to section 6(b).

23 (b) USE OF FUNDS.—Funds provided to the Depart-
24 ment of Health and Human Services for the purposes of this
25 Act may be used to support the direct and indirect costs of a

1 program of epidemiological research, including related stud-
2 ies, into the health effects of exposure to radiation, and for
3 such other uses as the Secretary may deem appropriate.
4 Funds provided for the purposes of this Act may be used to
5 support activities of State public health agencies that are
6 compatible with the purposes of this Act.

7 **SEC. 9. RADIATION RELEASE AND DOSE RECONSTRUCTION**
8 **STUDIES AND HEALTH RISK ASSESSMENTS.**

9 (a) **STUDIES BY THE SECRETARY OF HEALTH AND**
10 **HUMAN SERVICES.**—The Secretary of Health and Human
11 Services is authorized to undertake—

12 (1) such research and studies into radiation re-
13 leases and dose reconstruction; and

14 (2) such health risk assessments,

15 as the Secretary may deem necessary in order to properly
16 and fully carry out the duties transferred in section 4(a).

17 (b) **REVIEW OF DEPARTMENT OF ENERGY STUDIES BY**
18 **SECRETARY OF HEALTH AND HUMAN SERVICES.**—The
19 Secretary of Health and Human Services is authorized to
20 review research and studies conducted by the Department of
21 Energy after enactment of this Act relating to radiation re-
22 leases, dose reconstruction, or health assessments.

1 SEC. 10. REVIEW OF EXISTING RESEARCH AND RECOMMEN-
2 DATIONS.

3 (a) REVIEW OF RESEARCH INTO AND DATA RELAT-
4 ING TO HEALTH EFFECTS OF RADIATION.—(1) The Secre-
5 tary of Health and Human Services shall conduct a compre-
6 hensive review of existing epidemiological studies and data
7 relating to health effects of exposure to radiation.

8 (2) The review may include—

9 (A) studies conducted by the Department of
10 Energy and its contractors;

11 (B) studies conducted by Federal, State, county,
12 and local agencies;

13 (C) studies conducted by or on behalf of interna-
14 tional organizations and foreign governments; and

15 (D) studies conducted by independent researchers,
16 groups, companies, and private and public universities.

17 (3) The review shall—

18 (A) identify areas where additional research needs
19 to be undertaken;

20 (B) establish priorities to be used in the allocation
21 of resources to research activities; and

22 (C) make recommendations for specific research
23 activities to be undertaken by the Department of
24 Health and Human Services.

1 (4) The review shall be completed and submitted to the
2 President and the Congress not later than 180 days after
3 enactment of this Act.

4 (b) REVIEW OF HEALTH RISK ASSESSMENTS AND RA-
5 DIATION RELEASES AND DOSE RECONSTRUCTION.—(1)
6 The Secretary of Health and Human Services shall conduct a
7 comprehensive review of existing and ongoing health risk as-
8 sessments and of existing and ongoing studies relating to ra-
9 diation releases and dose reconstruction efforts.

10 (2) The review may include—

11 (A) studies conducted by the Department of
12 Energy and its contractors;

13 (B) studies conducted by Federal, State, county,
14 and local agencies;

15 (C) studies conducted by or on behalf of interna-
16 tional organizations and foreign governments; and

17 (D) studies conducted by independent researchers,
18 groups, companies, and private or public universities.

19 (3) The review shall—

20 (A) identify areas where additional research needs
21 to be undertaken;

22 (B) establish priorities to be used in the allocation
23 of resources to research activities; and

24 (C) make recommendations for specific research
25 activities to be undertaken by the Department of

1 Energy or the Department of Health and Human
2 Services.

3 (4) The review shall be completed and submitted to the
4 President and to Congress not later than 180 days after en-
5 actment of this Act.

6 **SEC. 11. ADVISORY PANEL ON RADIATION RESEARCH.**

7 (a) **ESTABLISHMENT OF ADVISORY PANEL.**—(1) To
8 advise the Secretary of Health and Human Services in carry-
9 ing out the function transferred by section 4(a) there is estab-
10 lished an advisory panel, to be known as the "Advisory Panel
11 on Radiation Research".

12 (2) The advisory panel shall consist of 9 members ap-
13 pointed by the President by and with the advice and consent
14 of the Senate. Members of the panel shall be appointed within
15 90 days of enactment of this Act. At least 5 of the 9 mem-
16 bers shall be from outside the Federal service. Among the 9
17 members of the panel, there shall be at least one representa-
18 tive of—

19 (A) organized labor unions active at the Depart-
20 ment of Energy's nuclear facilities;

21 (B) the Secretary of Energy;

22 (C) public interest groups concerned about the
23 health effects of radiation; and

1 (D) State public health departments and agencies
2 of States having a Department of Energy nuclear facil-
3 ity in their territory.

4 (b) DUTIES OF THE PANEL.—(1) The Advisory Panel
5 on Radiation Research shall ensure the development and dis-
6 semination of reliable and credible information on the true
7 nature and magnitude of the past and present risk posed by
8 human exposure to radiation.

9 (2) In carrying out paragraph (1), the advisory panel
10 shall review and evaluate the content and implementation of
11 the program of research by the Department of Health and
12 Human Services into the health effects of exposure to radi-
13 ation. The advisory panel shall make specific recommenda-
14 tions to ensure that the health of workers and of the general
15 population is being adequately protected.

16 (c) EXPENSES OF MEMBERS.—(1) Except as provided
17 in paragraph (2), members of the Advisory Panel on Radi-
18 ation Research shall—

19 (A) be entitled to receive the daily equivalent of
20 the annual rate of basic pay in effect for grade GS-18
21 of the General Schedule for each day, including travel-
22 time, during which they are engaged in the actual per-
23 formance of duties vested in the panel; and

24 (B) while away from their homes or regular places
25 of business and while serving in the business of the

1 panel, be entitled to receive transportation expenses as
2 prescribed by section 5703 of title 5, United States
3 Code.

4 (2) Members of the panel who are full-time officers or
5 employees of the United States shall receive no additional
6 pay, allowances, or benefits by reason of their service on the
7 panel.

8 (d) ADMINISTRATIVE SUPPORT.—The Secretary of
9 Health and Human Services shall provide such administra-
10 tive support services as the advisory panel may reasonably
11 request.

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