

**Memorandum of Understanding (MOU)  
between the U.S. Department of Energy (DOE) and  
the State of California, Division of Workers' Compensation (DWC)**

1. PURPOSE

The U.S. Department of Energy (DOE) and the State of California, Division of Workers' Compensation (DWC) enter into this agreement to facilitate coordination and cooperation between the parties under subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (Act) (Pub.L.106-398).

2. AGREEMENT AND UNDERSTANDING BETWEEN DOE AND THE STATE

DOE and DWC enter into this agreement to facilitate operation of the DOE contractor worker assistance program, established pursuant to subtitle D of the Act, under which DOE may assist former or current contractor employees in filing claims under the State's workers' compensation system.

- a. Pursuant to subtitle D, the DOE will provide assistance to DOE contractor employees in filing claims under the State of California's workers' compensation system for an illness caused by exposure to a toxic substance at a DOE facility in accordance with the process set forth at 10 CFR Part 852.
- b. A positive determination pursuant to Part 852 has no effect on the scope of California's workers' compensation proceedings, the conditions for compensation, or the rights and obligations of the participants in the proceeding; provided that consistent with subtitle D such a determination will prevent DOE and may prevent a DOE contractor from contesting an applicant's workers' compensation claim.

3. AREAS OF COOPERATION

DOE agrees to promptly notify the Administrative Director of DWC of workers' compensation claims for work-related illnesses caused by exposure to toxic substances, which have been forwarded to the physician's panel, in response to a request for such information by DWC.

4. IMPLEMENTATION

The DOE office responsible for implementation of this agreement is the office of Environment, Safety and Health (ES&H). The State official responsible for the implementation of this agreement is Administrative Director Richard P. Gannon.

5. AMENDMENT AND TERMINATION

This Agreement may be amended or modified upon written agreement by both parties to the Agreement. The Agreement may be terminated upon ninety (90) days written notice by either party.

6. EFFECTIVE DATE

This Agreement is effective when signed by both parties.



Beverly A. Cook  
Assistant Secretary for ES&H  
Department of Energy

Date: 9/13/02



Richard P. Gannon  
Administrative Director, DWC  
State of California

Date: September 10, 2002