

Memorandum of Understanding (MOU)
Between the U.S. Department of Energy (DOE) and
The State of Colorado

1. PURPOSE

The U.S. Department of Energy (DOE) and the State of Colorado 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 the State of Colorado 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 Colorado'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 the State 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 workers' compensation claim.

3. AREAS OF COOPERATION

- A. DOE agrees to promptly notify the State's Division of Workers' Compensation ("DOWC") designated representative, the Division Director of workers' compensation claims that DOE has accepted as DOE work-related illnesses caused by exposure to toxic substances in response to a request for such information by the Division.
- B. Upon request by the DOE, the State agrees to provide, in a timely manner, information concerning the status or outcome of a workers' compensation claim filed with the State's DOWC by a DOE contractor employee or the employee's estate.

4. IMPLEMENTATION

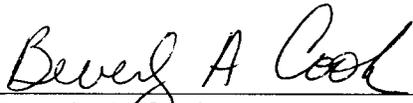
The DOE office responsible for implementation of this agreement is the Office of Environment, Safety and Health. The State official responsible for the implementation of this agreement is the Division Director of the State's DOWC, or her designee.

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 for Secretary Environment,
Safety and Health
U.S. Department of Energy



MaryAnn Whiteside
Director
Division of Workers' Compensation
State of Colorado

Dated: 9/13/02