



BULLETIN NO. 23-04

Issue Date: February 27, 2023

Effective Date: February 27, 2023

Expiration Date: February 27, 2024

Subject: Silicosis Employment and Exposure Criteria Under Part B for the Nevada Test Site

Background: The Division of Energy Employees Occupational Illness Compensation (DEEOIC), based on input from the Advisory Board on Toxic Substances and Worker Health (ABTSWH or Board), has modified Nevada Test Site employment and exposure criteria for Part B silicosis claims. Under the Act, one of the requirements for a Part B claim for chronic silicosis is that the employee establish exposure to silica by being present for a number of workdays aggregating at least 250 workdays during the mining of tunnels at a Department of Energy (DOE) facility located in Nevada or Alaska for tests or experiments related to an atomic weapon. Through procedure, the DEEOIC further clarified that mining of tunnels related to atomic weapon testing ended in October 1992, at which time the unilateral moratorium on nuclear weapons testing went into effect. However, DEEOIC has recently determined that since the unilateral moratorium on nuclear weapons testing went into effect in 1992, the mining of tunnels related to noncritical atomic weapons testing experiments has continued through the present at the Nevada Test Site. Accordingly, DEEOIC is updating the Part B silicosis procedure to remove the reference that tunnel work had to occur prior to the 1992 moratorium. This supersedes guidance found at Ch. 18.12a(2) of the Federal EEOICPA Procedure Manual (PM) (v7.0), or any subsequent version thereof until incorporated into the PM.

References: 42 U.S.C § 7384r(c) and (d), Federal (EEOICPA) Procedure Manual Ch. 18.12a(2) (v7.0).

Purpose: To provide an update to the Part B requirements for silicosis claims.

Applicability: All staff.

Actions:

1. Silicosis Employment and Exposure Criteria, Part B. 42 U.S.C. § 7384r(c) and (d) describe the employment requirements for an employee diagnosed with chronic silicosis. Upon receipt of a claim for silicosis at the Nevada Test site, the CE reviews the evidence to determine whether the employee was:

- (a) A DOE employee or a DOE contractor employee; and
- (b) Present for an aggregate of at least 250 workdays during the mining of tunnels at a DOE facility located in Nevada or Alaska for tests or experiments related to an atomic weapon (Part B claims only). Since the October 1992 unilateral moratorium on nuclear weapons testing went into effect, a stockpile stewardship program that involves the mining of tunnels related to noncritical atomic weapons testing and experiments has continued through the present at the Nevada Test Site.

Disposition: Retain until incorporated in the Federal (EEOICPA) Procedure Manual.

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