

## SUBCHAPTER G—OCCUPATIONAL SAFETY AND HEALTH RESEARCH AND RELATED ACTIVITIES

### PART 80—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

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#### Subparts A–C [Reserved]

#### Subpart D—Tuition Fees for Direct Training

AUTHORITY: Sec. 501, 65 Stat. 290; 31 U.S.C. 483a.

SOURCE: 38 FR 16645, June 25, 1973, unless otherwise noted.

#### Subparts A–C [Reserved]

##### § 80.41 Applicability.

The provisions of this subpart set forth the policies of the National Institute for Occupational Safety and Health with respect to its charging fees for direct training in occupational safety or health.

##### § 80.42 Definitions.

Any term not defined herein shall have the same meaning as given it in the act. As used in this subpart:

(a) *Act* means the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 *et seq.*).

(b) *Direct training* means all technical training courses conducted directly by NIOSH for personnel of State and local governmental agencies, other Federal agencies, private industries, universities, and other non-NIOSH agencies and organizations.

(c) *NIOSH* or *Institute* means the National Institute for Occupational Safety and Health.

(d) *Registration Office* means the Direct Training Registration Office, NIOSH, 1014 Broadway, Cincinnati, OH 45202.

##### § 80.43 Tuition fees.

In accordance with the provisions of the subpart, the National Institute for Occupational Safety and Health will charge fees for all students attending NIOSH direct training courses which commence on or after July 1, 1973.

##### § 80.44 Schedule of fees.

(a) Tuition fees will be computed on the basis of the cost to the Government for the Institute's participation in the course, as determined by the Director of the Institute.

(b) Total tuition charges for each course will be set forth in the course announcement.

##### § 80.45 Procedure for payment.

(a) Applications for direct training courses shall be completed and submitted to the registration office in accordance with the instructions issued by that office.

(b) Federal agency personnel shall, upon notification of their acceptance, submit a letter identifying the agency and office to be billed, the agency order number, and any code numbers or other information necessary for billing purposes.

(c) All other applicants shall, upon notification of their acceptance by NIOSH, submit a check payable to the National Institute for Occupational Safety and Health in the amount indicated by the course announcement prior to the commencement of the training course.

##### § 80.46 Refunds.

An applicant may withdraw his application and receive full reimbursement of the fee provided that written notification to the registration office is mailed no later than 10 days before the commencement of the course for which registration has been submitted.

**PART 81—GUIDELINES FOR DETERMINING PROBABILITY OF CAUSATION UNDER THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT OF 2000**

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**APPENDIX A TO PART 81—GLOSSARY OF ICD-9 CODES AND THEIR CANCER DESCRIPTIONS.**

AUTHORITY: 42 U.S.C. 7384n(c); E.O. 13179, 65 FR 77487, 3 CFR, 2000 Comp., p. 321.

SOURCE: 67 FR 22309, May 2, 2002, unless otherwise noted.

**Subpart A—Introduction**

**§ 81.0 Background.**

The Energy Employees Occupational Illness Compensation Program Act (EEOICPA), 42 U.S.C. 7384–7385 [1994, supp. 2001], provides for the payment of

compensation benefits to covered employees and, where applicable, survivors of such employees, of the United States Department of Energy, its predecessor agencies and certain of its contractors and subcontractors. Among the types of illnesses for which compensation may be provided are cancers. There are two categories of covered employees with cancer under EEOICPA for whom compensation may be provided. The regulations that follow under this part apply only to the category of employees described under paragraph (a) of this section.

(a) One category is employees with cancer for whom probability of causation must be estimated or determined, as required under 20 CFR 30.115.

(b) The second category is members of the Special Exposure Cohort seeking compensation for a specified cancer, as defined under EEOICPA. The U.S. Department of Labor (DOL) which has primary authority for implementing EEOICPA, has promulgated regulations at 20 CFR 30.210 *et seq.* that identify current members of the Special Exposure Cohort and requirements for compensation. Pursuant to section 7384(q) of EEOICPA, the Secretary of HHS is authorized to add additional classes of employees to the Special Exposure Cohort.

**§ 81.1 Purpose and Authority.**

(a) The purpose of this regulation is to establish guidelines DOL will apply to adjudicate cancer claims for covered employees seeking compensation for cancer, other than as members of the Special Exposure Cohort seeking compensation for a specified cancer. To award a claim, DOL must first determine that it is at least as likely as not that the cancer of the employee was caused by radiation doses incurred by the employee in the performance of duty. These guidelines provide the procedures DOL must apply and identify the information DOL will use.

(b) Section 7384(n)(b) of EEOICPA requires the President to promulgate these guidelines. Executive Order 13179 assigned responsibility for promulgating these guidelines to the Secretary of HHS.