



National Institute for Occupational  
Safety and Health  
Robert A. Taft Laboratories  
4676 Columbia Parkway  
Cincinnati, OH 45226-1998  
Phone: 877-222-7570  
Fax: 513-533-6826

November 10, 2010

SEC Tracking Number: SEC00172

(b)(6)

In the National Institute for Occupational Safety and Health's (NIOSH) letter to you dated July 7, 2010, the NIOSH Division of Compensation Analysis and Support (DCAS) informed you by mail that your Special Exposure Cohort (SEC) petition for Oak Ridge National Laboratory (ORNL), designated SEC00172, did not fulfill the requirements to qualify for evaluation. These requirements are fully documented in NIOSH regulations 42 C.F.R. §§ 83.7 through 83.9 and outlined in the "Instructions for Completing Special Exposure Cohort Petition – Form B." You were given 30 days from the date of that letter to respond to the deficiencies documented therein. On October 22, 2010, after three 30-day response extensions, we received additional information from you in response to some of the identified deficiencies and clarifications.

This letter conveys the results of our review of your petition and all associated supporting documentation, and our responses to the petition qualification bases you presented. We have considered all of the materials you have provided to our office regarding your petition, and offer the following facts in support of our proposed finding concerning your petition:

The bases identified in your petition were<sup>1</sup>:

(E.5) The existence of one or more unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents.

In support of this petition basis, you provided the following documents and statements:

- a. An October 18, 1978 article from the Post Register titled, "Mysterious Chain Reaction Closes INEL Plant."
- b. An undated newspaper article titled, "Leaky Valve Blamed for CPP Gas Escape."
- c. An undated newspaper article titled, "Chemical Processing Plant Will Remain Closed until Oct. 30."

<sup>1</sup> Your statements are given in italics, followed by the reviewer's comments.

Each of these documents describes an October 17, 1978 incident that occurred in the heavily shielded cells of the Chemical Processing Plant (CPP-601). The articles indicate that the release was detected by stack monitoring devices and that 50 individuals were taken for monitoring with no positive results. NIOSH research has uncovered a document, which explains that a health physicist performed a survey outside the building and recoded a dose rate of 100 mrem per hour (Casto WR, *ICPP Criticality Event of October 17, 1978*, Nuclear Safety. 21(5); 1980). This incident does not qualify as unmonitored, unrecorded, or inadequately monitored or recorded.

*We don't know how many incidents there have been throughout the history of the plant, but have heard reports from workers of such incidents on a number of occasions, including but not limited to in Chemical Processing Plan, Argonne West, Test Areas N & M and obviously SL1.*

Support for the E.5 basis relies not on the existence of exposure incidents, but on the existence of incidents that were unmonitored, unreported, or inadequately monitored or reported.

The incident at the SL-1 reactor was reported in detail and monitoring records for the individuals involved are available (SRDB ref IDs: 1006, 4492, 4495, 12779, 12785, 12786, 18038, 26108). Other incidents at INL were similarly well-investigated and documented, including events at ICPP (SRDB ref IDs 1218, 8010, 8013, 8014, 8537, 12735, 12784, 31947), EBR-1 (SRDB ref IDs 1041, 1047), N-Cell (SRDB ref ID 8424), and other areas within the site (SRDB ref IDs 27360, 31871, 31934).

Based on its review of the provided and referenced documentation, NIOSH finds that the information provided in the petition does not directly support the E.5 basis. Similarly, based on the available information in its Site Research Database (SRDB) and other available information sources, NIOSH has discovered no documentation suggesting the existence of one or more unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents.

(F.1) Radiation exposures and radiation doses potentially incurred by members of the proposed class were not monitored, either through personal monitoring or through area monitoring.

In support of this petition basis, you provided the following documents and statements:

- a. A signed affidavit from (b)(6) [a co-petitioner on your SEC petition] detailing the working conditions he claims to have experienced during his tenure at INL.

In his affidavit (b)(6) does not specifically mention a lack of monitoring. However, he does discuss an event where his skin and personal protective equipment were contaminated with coolant fluid.

Allegations of unreported personnel contamination are serious and may point to a breakdown in standard operating procedures. However, such events do not necessarily indicate a lack of monitoring data, as uptakes resulting from these scenarios would be

detected during routine internal dosimetry monitoring.

*As far as we know, before 1985 there was not even a centralized system of radiation monitoring or radiation monitoring recordkeeping. To clarify: I provided documentation that are examples of deficiencies in radiation monitoring, but did not intend this to mean that what I presented was a complete list of all deficiencies. It is my intent that these examples suggest a broad range of systemic deficiencies at INL leading to hazardous exposures and deficient worker monitoring, and support the need for an SEC at INL.*

A Personnel Monitoring Branch of the Health Physics Division at INL was created in 1951, the same year that EBR-1 went hot and has maintained a policy of providing external dosimetry for those individuals working in radiological areas (SRDB 14666). In 1949, an internal monitoring program was initiated that sent samples to the Health Services Laboratory of the AEC for analysis (SRDB 14664). NIOSH has access to quarterly and yearly environmental surveys beginning in 1960 (including, but not limited to: SRDB 1267, 1286, 1290) as well as soil, vegetation, and animal monitoring from 1958 (SRDB 27623, 27624, 27625). In addition to these site-wide monitoring programs, internal (SRDB 31956) and external (SRDB 31957) monitoring programs have been maintained specifically for the ICPP.

*I did not agree that non-radiological exposures should not be considered. I said (or meant to say) that I am not a scientist but I am told by scientists that there are interactions between radiation and chemical exposures that can lead to an increase in risk from the radiation that would be greater than if the radiation exposure took place independent of any interactive chemicals. If that's the case then I think it is common sense that such interactive exposures should be considered by NIOSH, because otherwise you would underestimate the risk.*

Evaluation and reconstruction of non-radiological (chemical) exposures are outside the scope of the radiological dose reconstruction portion of EEOICPA Part B, and is therefore not considered by NIOSH in its reviews.

Based on its review of the provided and referenced documentation, NIOSH finds that the information provided in the petition does not directly support the F.1 basis. Similarly, based on the available information in the SRDB and other available information sources, NIOSH has discovered documentation suggesting that proposed class member radiation exposures were monitored through personal or area monitoring.

(F.2) Radiation monitoring records for members of the proposed class have been lost, falsified, or destroyed; or there is no information regarding monitoring, source, source term, or process from the site where the employees worked.

In support of this petition basis you provided the following documents:

- a. A March 18, 2010 article from the *Post Register* titled "Nuclear Scars: Workers Struggle for Compensation, Benefits."

This document does not specifically mention lost, falsified, or destroyed radiation monitoring records. The document does contain a statement from a former Department

of Labor claims examiner that suggests that records are incomplete because they were lost or poorly kept by DOE. However, this statement does not specifically address radiation monitoring records at Idaho National Laboratory.

- b. A letter from (b)(6) of the Office of Workers Compensation Programs further detailing some of his alleged work activities and potential exposure scenarios during his employment at INL.

*During the 1990s the employees were required to attend document storage training where we were instructed to reduce document storage. We were taught that it is expensive to store documents, and that the cost can be greatly escalated if documents that could be purged now should become a liability later, at which time it would become illegal to purge those documents. I suspect many documents pertinent to my situation were purged.*

The above statements do not appear to relate either first-hand knowledge or an eyewitness account of the destruction of radiation monitoring records. Further, these statements do not directly address radiation monitoring records.

NIOSH determined that the remaining documents supplied with the petition did not support the F.2 petition basis because they do not mention radiation monitoring records, nor do they suggest that such records have been lost, falsified, or destroyed:

- a. A letter from a former INL site worker (not listed as a co-petitioner) detailing her personal work experiences and how she believes they relate to her current illness.
- b. A letter from (b)(6) of the Office of Workers Compensation Programs clarifying (b)(6) dates of employment and detailing some of his work activities at INL.
- c. Attachments from the letter from (b)(6) including:
- 1) A patent sheet for a sequential sampler
  - 2) Clinical notes from an eye examination performed on (b)(6) in June of 1999.
  - 3) A *Wikipedia* printout describing the Systems Nuclear Auxiliary Power program.
- d. A letter from (b)(6) of the Office of Worker Compensation Programs further detailing some of his work activities and potential exposure scenarios during his employment at INL.

Based on the information you have provided and documentation available to NIOSH, NIOSH finds that there is no support for the petition bases. The petition does not demonstrate that:

- (1) There exist one or more unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents;
- (2) Exposures and radiation doses potentially incurred by members of the proposed class were not monitored, either through personal monitoring or through area monitoring; or
- (3) Radiation monitoring records were lost, falsified, or destroyed; or that there is no information regarding monitoring, source, source term, or process from the site where the employees worked.

On the basis of this professional review of the supporting documents provided as of this date, there is not adequate support for the petition bases to qualify petition SEC00172 for evaluation. Therefore, pursuant to 42 C.F.R. § 83.11(b), we are hereby notifying you of NIOSH's proposed finding that SEC00172 fails to meet the specified requirements needed to qualify for evaluation.

You may request a review of this proposed finding within 30 calendar days of the date you receive this letter, as specified by 42 C.F.R. § 83.11(c). Such a request must be in writing and must specify why the proposed finding should be reversed, based on both the requirements of 42 C.F.R. §§ 83.7 through 83.9 and on the information you have already submitted. Your request for review may not include any new information or documentation. However, if you do obtain new information regarding this petition within this 30-day period, you should provide it to NIOSH at the address given below. In accordance with 42 C.F.R. § 83.11(c), NIOSH will consider this new information as a revision of the original petition.

Our proposed finding that your petition fails to qualify for evaluation will become a final decision 31 calendar days after the date of this letter, unless it is reviewed under the conditions outlined in the previous paragraph. Please be sure to include your NIOSH SEC Tracking Number (SEC00172) on all correspondence, which should be addressed to:

SEC00172  
Division of Compensation Analysis and Support  
NIOSH MS-C-47  
4676 Columbia Parkway  
Cincinnati, OH 45226

If you have any questions regarding your petition, please contact DCAS toll-free at 1-877-222-7570, or by email at [ocas@cdc.gov](mailto:ocas@cdc.gov). You may also contact our contractor, Oak Ridge Associated Universities (ORAU), toll-free at 1-800-322-0111. Additional information about DCAS and the SEC process can be found on the DCAS website (<http://www.cdc.gov/niosh/ocas>).

Sincerely,



Stuart L. Hinnefeld, Interim Director  
Division of Compensation Analysis and Support  
National Institute for Occupational Safety and Health



National Institute for Occupational  
Safety and Health  
Robert A. Taft Laboratories  
4676 Columbia Parkway  
Cincinnati, OH 45226-1998  
Phone: 877-222-7570  
Fax: 513-533-6826

October 12, 2010

SEC Tracking Number: SEC00176



In the National Institute for Occupational Safety and Health's (NIOSH) letter to you dated August 10, 2010, the NIOSH Division of Compensation Analysis and Support (DCAS) informed you by mail that your Special Exposure Cohort (SEC) petition for Oak Ridge National Laboratory (ORNL), designated SEC00176, did not fulfill the requirements to qualify for evaluation. These requirements are fully documented in NIOSH regulations 42 C.F.R. §§ 83.7 through 83.9 and outlined in the "Instructions for Completing Special Exposure Cohort Petition – Form B." You were given 30 days from the date of that letter to respond to the deficiencies documented therein. On September 21, 2010 we received additional information from you in response to some of the identified deficiencies and clarifications. We then received your second response letter on October 5, 2010.

This letter conveys the results of our review of your petition and all associated supporting documentation, and our responses to the petition qualification bases you presented. We have considered all of the materials you have provided to our office regarding your petition, and offer the following facts in support of our proposed finding concerning your petition:

As you agreed to during the consultation call, your proposed worker class is: All employees who worked at any location of the Pinellas Plant between January 1, 1957 and April 1, 1990.

The bases identified in your petition were<sup>1</sup>:

(E.5) The petition is based on one or more unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents.

You included a statement in your original petition that the former energy employee (your father) was sent home multiple times due to chemical spills at the Pinellas Plant.

During our initial consultation call and in the summarization letter, we informed you that non-radiological (chemical) exposures were not covered under this radiological dose reconstruction portion of EEOICPA.

In your documented response to our consultation call letter, you indicated that Table 5-10 was submitted in further support of the E.5 basis.

<sup>1</sup> Your statements are given in italics, followed by the reviewer's comments.

This table is a list of documented releases and is defined in NIOSH documentation as information that was submitted to the federal oversight agencies. However, there is no information in this document to support that there were "unmonitored or unrecorded" radiological incidents at the site.

As we discussed with you during the consultation telephone call, exposure incidents are considered unplanned events that result in significant radiation exposures. Incidents are also termed discrete incidents (incidents that involve, or are comparable to, nuclear criticalities) where one or more proposed class members incur a high-level radiation dose as evidenced by a depressed white blood cell count or the application of chelation therapy. Based on our review of the petition documentation submitted by you, and of the Pinellas records and documentation currently available to NIOSH, we have determined that the information provided by you does not adequately support the claimed incident petition basis, for the following reasons: there is no information or documentation to support that Pinellas personnel were exposed to one or more unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents at the site. As discussed in the letter documenting the consultation telephone call, if the independent efforts of NIOSH prove unsuccessful in confirming the existence of incident(s) based on the original information in the petition as it relates to the petitioner-requested worker class, you may be required to provide evidence that the incident(s) occurred. You were also informed that NIOSH will consider the adequacy and credibility of any evidence presented, but that the content of any evidence, including one or more affidavits (or other supporting documents) would not, in and of itself, be sufficient to confirm the facts presented by these affidavits or other evidence.

Based on: (a) the information provided in your original petition and discussed during the initial consultation call with you; (b) the information you provided in response to the initial consultation call letter; and (c) the information available to, and reviewed by, NIOSH, we conclude that there were no unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents at the site. Based on this information, NIOSH finds that you have not supported including Item E.5 as part of the basis for your SEC petition.

(F.1) I/We have attached either documents or statements provided by affidavit that indicate that radiation exposures and doses potentially incurred by members of the proposed class, that relate to this petition, were not monitored, either through personal monitoring or through area monitoring.

This item was not checked in your petition but you provided a sentence below the item in your Form B that stated: *There are years where they did not measure doseage [sic].* You also stated in your response letter, that we received on September 23, 2010: *You did not monitor him all the time at the ge [sic] plant in Florida.*

You did not provide an affidavit to support this basis item and none of the documents attached to your petition or response letter referenced a lack of personnel monitoring at the Pinellas Plant.

Based on the research performed by NIOSH for the Pinellas Plant, the plant had both bioassay (internal monitoring) and external dosimetry through your proposed class period. The NIOSH Technical Basis Documents (TBDs) indicate that some personnel were not monitored, but the workers with the potential for exposures were monitored with both bioassay and external dosimetry. The TBDs also reference area and stack monitoring results.

This basis was also addressed in SEC00130 whose class wholly includes the class proposed by you in your petition. The Petition Document Review for SEC00130 stated: Based on the

information and monitoring data available to NIOSH that have been incorporated into: (1) ORAUT-TKBS-0029-6, *Pinellas Plant – Occupational External Dose*; (2) ORAUT-TKBS-0029-3, *Pinellas Plant – Occupational Medical Dose*; and (3) ORAUT-TKBS-0029-4, *Pinellas Plant – Occupational Environmental Dose*, there is sufficient information to conclude that personnel and area monitoring data, and source term information, do exist that can be and have been used to support bounding external doses for the proposed worker class defined in this petition (permitting the reconstruction of dose with sufficient accuracy), irrespective of any specific individual's participation in the Plant's dosimetry programs.

Based on: (a) the information provided in your original petition and discussed during the initial consultation call with you; (b) the information you provided in response to the initial consultation call letter; and (c) the information available to, and reviewed by, NIOSH, we conclude that radiation doses potentially incurred by members of your proposed worker class were monitored (either by personnel or area monitoring). Based on this information, NIOSH finds that you have not supported including Item F.1 as a basis for your SEC petition.

(F.2) I/We have attached either documents or statements provided by affidavit that indicate that radiation monitoring records for members of the petitioner-requested class have been lost, falsified, or destroyed; or that there is no information regarding monitoring, source, source term, or process from the site where the employees worked.

This item was not checked in your petition but you provided a sentence below the item in your Form B that stated: *There are years where they did not measure dosage.*

You did not provide an affidavit to support this basis item and none of the documents attached to your petition or response letter referenced that monitoring records were lost, falsified, or destroyed.

As discussed for Item F.1, based on the research performed by NIOSH for the Pinellas Plant, the plant had both bioassay (internal monitoring) and external dosimetry through your proposed class period and the data are available. Additionally, the NIOSH TBDs contain an analysis of source term information, area monitoring, and stack monitoring data.

Based on: (a) the information provided in your original petition and discussed during the initial consultation call with you; (b) the information you provided in response to the initial consultation call letter; and (c) the information available to, and reviewed by, NIOSH, we conclude that there is no support for concluding that monitoring records for members of your proposed worker class were lost, falsified, or destroyed; or that there is no information regarding monitoring, source, source term, or process from the site. Based on this information, NIOSH finds that you have not supported including Item F.2 as a basis for your SEC petition.

(F.3) I/We have attached a report from a health physicist or other individual with expertise in radiation dose reconstruction documenting the limitations of existing DOE or AWE records on radiation exposures at the facility, as relevant to the petition. The report specifies the basis for believing these documented limitations might prevent the completion of dose reconstructions for members of the class under 42 CFR Part 82 and related NIOSH technical implementation guidelines.

This item was checked but no supporting documentation was attached to your original petition. No reports were included in your submittal received on September 23, 2010 nor in your submittal received on October 5, 2010.

Based on: (a) the information provided in your original petition and discussed during the initial consultation call with you; (b) the information you provided in response to the initial consultation call letter; and (c) the information available to, and reviewed by, NIOSH, we conclude that there are no reports that document the limitations of DOE records at the Pinellas site that would prevent the completion of dose reconstructions for members of your proposed worker class. Based on this information, NIOSH finds that you have not supported including Item F.3 as a basis for your SEC petition

Based on its review of the information provided by you and the information and documentation available to NIOSH for Pinellas, NIOSH has found no support for any petition basis item for the proposed worker class defined in your petition. Contrary to your selected bases and petition claims, NIOSH has found sufficient information and documentation to support reconstructing both the internal and external dose for the members of the petitioner-requested worker class defined in your petition. On the basis of this professional review of the supporting documents provided as of this date, there is not adequate support for the petition bases to qualify petition SEC00176 for evaluation. Therefore, pursuant to 42 C.F.R. § 83.11(b), we are hereby notifying you of NIOSH's proposed finding that SEC00176 fails to meet the specified requirements needed to qualify for evaluation.

You may request a review of this proposed finding within 30 calendar days of the date you receive this letter, as specified by 42 C.F.R. § 83.11(c). Such a request must be in writing and must specify why the proposed finding should be reversed, based on both the requirements of 42 C.F.R. §§ 83.7 through 83.9 and on the information you have already submitted. Your request for review may not include any new information or documentation. However, if you do obtain new information regarding this petition within this 30-day period, you should provide it to NIOSH at the address given below. In accordance with 42 C.F.R. § 83.11(c), NIOSH will consider this new information as a revision of the original petition.

Our proposed finding that your petition fails to qualify for evaluation will become a final decision 31 calendar days after the date of this letter, unless it is reviewed under the conditions outlined in the previous paragraph.

Please be sure to include your NIOSH SEC Tracking Number (SEC00176) on all correspondence, which should be addressed to:

SEC00176  
Division of Compensation Analysis and Support  
NIOSH MS-C-47  
4676 Columbia Parkway  
Cincinnati, OH 45226

During this period, if you have any questions regarding your petition, please feel free to contact DCAS toll-free at 1-877-222-7570, or by email at <dcas@cdc.gov>. You may also contact our contractor, Oak Ridge Associated Universities (ORAU), toll-free at 1-800-322-0111. Additional information about DCAS and the SEC process can be found on the DCAS Web site at <<http://www.cdc.gov/niosh/ocas>>.

Sincerely,



Stuart L. Hinnefeld, Interim Director  
Division of Compensation Analysis and Support  
National Institute for Occupational Safety and Health.



National Institute for Occupational  
Safety and Health  
Robert A. Taft Laboratories  
4676 Columbia Parkway  
Cincinnati, OH 45226-1998  
Phone: 877-222-7570  
Fax: 513-533-6826

March 23, 2011

SEC Tracking Number: SEC00180



In the National Institute for Occupational Safety and Health's (NIOSH) letter to you dated November 16, 2010, the NIOSH Division of Compensation Analysis and Support (DCAS) informed you that your Special Exposure Cohort (SEC) petition for W.R. Grace (NFS), designated SEC00180, did not fulfill the requirements to qualify for evaluation. These requirements are fully documented in NIOSH regulations 42 C.F.R. §§ 83.7 through 83.9 and outlined in the "Instructions for Completing Special Exposure Cohort Petition – Form B." You were given 30 days from the date of that letter to respond to the deficiencies it listed. On December 17, 2010, we received information from you in response to some of the identified deficiencies and clarifications. We then received your second response letter on February 23, 2011.

The submitted petition was for radiation dose received after 1970, which is after the end of the AEC contract period for covered exposures under EEOICPA. Therefore, only doses potentially received from residual contamination related to the pre 1971 AEC contract work were considered. This letter conveys the results of our review of your petition and all associated supporting documentation, and our responses to the petition qualification bases you presented. We have considered all of the materials you have provided to our office regarding your petition, and offer the following facts in support of our proposed finding concerning your petition:

The bases identified in your petition were:

(E.5) The existence of one or more unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents.

In support of this petition you provided summaries and references to 49 fires and fire related issues. You also provided an excerpt from the Congressional document titled *Hearing Before the Subcommittee on Energy Conservation and Power of the Committee on Energy and Commerce, House of Representatives*, dated September 18, 1986. The full document is located in the NIOSH Site Research Data Base.

You subsequently provided an affidavit from a coworker which states that she was told that she and other workers were exposed to unacceptable high levels of plutonium in 1999.

NIOSH reviewed the references provided and did not find any indication of an exposure incident that meets the criteria for this basis Item. In addition, the Site Profile for W. R. Grace states: *A review of the available literature shows that no criticality accidents have occurred during W.R. Grace and later NFS operations.*

NIOSH also reviewed the affidavit concerning plutonium in 1999. The information available to NIOSH indicates that the work with plutonium at the site was for the fabrication of reactor fuels unrelated to the AEC atomic weapons program. Therefore, no additional review or determination of plutonium exposure was made because dose from plutonium at the site is not considered covered under EEOICPA after 1970.

Based on its review and research, NIOSH finds no support for the Item E.5 basis that there was one or more unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents.

(F.1) Radiation exposures and radiation doses potentially incurred by members of the proposed class were not monitored, either through personal monitoring or through area monitoring.

In support of this petition basis, you provided numerous summaries of references. It was unclear which attachments were in reference to item F.1. NIOSH asked you to clarify which attachments you were referring to in your petition. You subsequently provided clarification, as requested, along with additional supporting documentation.

NIOSH has reviewed the available documentation you provided and information in the NIOSH Site Research Data Base with regard to this petition. The Site Profile for W. R. Grace discusses monitoring methods using film badges, thermoluminescent dosimeters (TLD's), and bioassay monitoring at the site. In addition, there are Radiation Exposure Summary Reports available to NIOSH that contain both internal and external monitoring data, including air sample and contamination data, from 1977-2005. In this documentation, there is a document that discusses Administrative Changes to NFS's Air Sampling and Bioassay Programs, dated September 2004.

NIOSH also reviewed the information you subsequently provided that discusses the situation where you and a coworker left your badges at the guard house and went to work in the north forty or burial grounds. However, there is no indication that the specified work should have been monitored, nor is there an indication that existing monitoring data for the AEC related work from 1958 through 1970 is insufficient to reconstruct dose during the residual radioactivity period at the site.

Based on its review and research, NIOSH has identified personnel and area monitoring data for W.R. Grace for the time period. Therefore, NIOSH finds no support for the Item F.1 basis that radiation doses potentially incurred by members of the proposed class that relate to this petition were not monitored, either through personal or area monitoring.

(F.2) Radiation monitoring records for members of the proposed class have been lost, falsified, or destroyed; or there is no information regarding monitoring, source, source term, or process from the site where the employees worked.

In support of this petition basis you provided 14 summaries of references, an affidavit stating a supervisor's log books were drummed up in 55 gallon drums and sent offsite for burial, and in your section titled *Falsification of Documents*, several NRC Inspection Reports, which are listed in NIOSH's Site Research Data Base.

NIOSH reviewed the summaries provided and the available information and documentation in its Site Research Data Base and has found no evidence to substantiate the assertion that any radiation monitoring records were lost, falsified, or destroyed or that there is no information regarding monitoring, source, source term, or process from the site where the employee worked.

You provided additional documentation (some of which are discussed in E.5 and F.1 above) in support of the above petition bases as follow:

- Four affidavits
- Five newspaper articles
- One Nuclear Regulatory Commission (NRC) "News" article
- An Independent Safety Culture Assessment Results Report
- A document titled "Falsification of documents" that was presented to the NRC at a public meeting
- One list provided by the Erwin Citizens Awareness Network, Inc., listing falsification of documents and news articles

As indicated above, there is no evidence to indicate that monitoring was required in the areas that you visited without your dosimetry, nor is there any indication that existing monitoring data for the AEC related work from 1958 through 1970 is insufficient to reconstruct dose during the residual radioactivity period at the site. In addition, neither the affidavits nor the documents reviewed identify incidents as described in your petition.

The citations related to falsification of documents discuss operational situations, fitness for duty, or misconduct. These citations do not meet any of the criteria in the petition bases described above.

Based on the information you have provided and documentation available to NIOSH, NIOSH finds that there is no support for the petition bases. The petition does not demonstrate that:

- (1) There exists one or more unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents;
- (2) Exposures and radiation doses potentially incurred by members of the proposed class were not monitored, either through personal monitoring or through area monitoring; or
- (3) Radiation monitoring records were lost, falsified, or destroyed; or that there is no information regarding monitoring, source, source term, or process from the site where the employees worked.

On the basis of this professional review of the supporting documents provided as of this date, there is not adequate support for the petition bases to qualify petition SEC00180 for evaluation. Therefore, pursuant to 42 C.F.R. § 83.11(b), we are hereby notifying you of NIOSH's proposed finding that SEC00180 fails to meet the specified requirements needed to qualify for evaluation.

You may request a review of this proposed finding within 30 calendar days of the date you receive this letter, as specified by 42 C.F.R. § 83.11(c). Such a request must be in writing and must specify why the proposed finding should be reversed, based on both the requirements of 42 C.F.R. §§ 83.7 through 83.9 and on the information you have already submitted. Your request for review may not include any new information or documentation. However, if you do obtain new information regarding this petition within this 30-day period, you should provide it to NIOSH at the address given below. In accordance with 42 C.F.R. § 83.11(c), NIOSH will consider this new information as a revision of the original petition.

Our proposed finding that your petition fails to qualify for evaluation will become a final decision 31 calendar days after the date of this letter, unless it is reviewed under the conditions outlined in the previous paragraph. Please be sure to include your NIOSH SEC Tracking Number (SEC00180) on all correspondence, which should be addressed to:

SEC00180  
Division of Compensation Analysis and Support  
NIOSH MS-C-47  
4676 Columbia Parkway  
Cincinnati, OH 45226

If you have any questions regarding your petition, please contact DCAS toll-free at 1-877-222-7570, or by email at [ocas@cdc.gov](mailto:ocas@cdc.gov). You may also contact our contractor, Oak Ridge Associated Universities (ORAU), toll-free at 1-800-322-0111. Additional information about DCAS and the SEC process can be found on the DCAS website (<http://www.cdc.gov/niosh/ocas>).

Sincerely,

A handwritten signature in black ink that reads "Stuart L. Hinnefeld". The signature is written in a cursive style with a large, prominent initial "S".

Stuart L. Hinnefeld, Director  
Division of Compensation Analysis and Support  
National Institute for Occupational Safety and Health



National Institute for Occupational  
Safety and Health  
Robert A. Taft Laboratories  
4676 Columbia Parkway  
Cincinnati, OH 45226-1998  
Phone: 877-222-7570  
Fax: 513-533-6826

March 23, 2011

SEC Tracking Number: SEC00181



In the National Institute for Occupational Safety and Health's (NIOSH) letter to you dated December 6, 2010, the NIOSH Division of Compensation Analysis and Support (DCAS) informed you by mail that your Special Exposure Cohort (SEC) petition for W.R. Grace (NFS), designated SEC00181, did not fulfill the requirements to qualify for evaluation. These requirements are fully documented in NIOSH regulations 42 C.F.R. §§ 83.7 through 83.9 and outlined in the "Instructions for Completing Special Exposure Cohort Petition – Form B." You were given 30 days from the date of that letter to respond to the deficiencies documented therein. On January 6, 2011 we received information from you in response to some of the identified deficiencies and clarifications. We then received your second response letter on February 25, 2011.

The submitted petition was for radiation dose received after 1970, which is after the end of the AEC contract period for covered exposures under EEOICPA. Therefore, only doses potentially received from residual contamination related to the pre 1971 AEC contract work were considered. This letter conveys the results of our review of your petition and all associated supporting documentation, and our responses to the petition qualification bases you presented. We have considered all of the materials you have provided to our office regarding your petition, and offer the following facts in support of our proposed finding concerning your petition:

Your original petition was received on November 1, 2010. No supporting documentation was included with this petition.

The initial consultation call with you was conducted on November 23, 2010.

Your response to the initial consultation call was received on January 6, 2011. You provided statements indicating certain records and information regarding incidents were unavailable since the company did not keep such records. You included the names of 3 co-workers that could provide information about the work you did. You also included

considerable information regarding your medical history.

A second consultation call was conducted on January 27, 2011 to discuss deficiencies in your responses to the initial consultation call and to clarify what was required to qualify the petition.

Your response to the second consultation call letter was received by NIOSH on February 25, 2011. In your response, you reiterated your belief that the responses to the initial consultation call were correct. You elaborated on the contents of your original statements. The bases identified in your petition were<sup>1</sup>:

(E.5) The petition is based on one or more unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents.

In support of this petition basis you stated that monitoring was poor and that the site had issues with safety and health. You cited the following examples in support of your statement:

- *Due to your high lapel air sampler reading from an incident on the ADU line, you were told to clip the lapel air sampler on the back of your collar. Two salaried employees would observe you while you worked.*
- *You and a fellow coworker were assigned to clean yellowcake off of pipes and valves that were corroded and very contaminated.*
- *Building 233 was a disaster, exposure was unreal. Workers wore their contaminated work clothing to the lunch room.*
- *Vending machines were so contaminated they had to be cut up and buried.*
- *A fire in Building 302 and 303 in the mid-eighties caused you to be hospitalized due to severe headaches and vomiting. You stated Building 302 and 303 had ventilation problems.*
- *Cylinders (11-liter capacity) with solution exploded and required clean up with cheesecloth. (ORAUT called you to clarify this statement on December 2, 2010. You stated that the 11-liter cylinders were to be filled with 10 liters of solution because they overflowed.)*
- *Bottles (2-liter capacity) exploded in the storing racks and you had to clean up and re-tamper safe material. (ORAU called you to clarify this statement on December 2, 2010. You stated the bottles were 2-liter bottles and that sometimes "stuff" would get mixed in and the tops would pop off.)*

<sup>1</sup> Your statements are given in italics, followed by the reviewer's comments.

NIOSH reviewed the information provided and did not find any indication of an exposure incident that meets the criteria of E.5, i.e., one or more unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents. In addition, ORAUT-TKBS-0043 states: *A review of the available literature shows that no criticality accidents have occurred during W.R. Grace and later NFS operations.* Monitoring records are available for the period in question.

(F.1) Radiation exposures and radiation doses potentially incurred by members of the proposed class were not monitored, either through personal monitoring or through area monitoring.

In support of this petition basis, you stated the following:

- *Records were inaccurate, there was lack of monitoring and high readings were covered up.*
- *Health and safety was poor in the seventies and mid-eighties and the ventilation system did not always work.*
- *Material was lost or accidentally released.*
- *Air samples taken in buildings were not read for several days and the same holds true for urine samples.*
- *Depending how badly you were needed on the floor was dependent upon whether you were told you had a high reading.*
- *NFS had many violations over the years.*

NIOSH investigated the assertions provided with this petition and did not uncover any evidence that members of the proposed class were not monitored, either through personal monitoring or through area monitoring. ORAUT-TKBS-0043 discusses monitoring methods including film badge, TLDs, and bioassay during the residual radiation period. In addition, there are Radiation Exposure Summary Reports available from 1977-2005. There is also a document that discusses Administrative Changes to the NFS Air Sampling and Bioassay Programs, dated September 2004.

W.R. Grace/NFS had a bioassay program that detected uranium in the body, which was the primary residual contamination from DOE operations. As evidenced by the over 200 samples that you provided during your employment, W.R. Grace/NFS radiological workers would have been part of the internal dosimetry program in which you participated. There is sufficient evidence that supports the conclusion that there was sufficient monitoring for both internal and external exposures and that the exposures were recorded accurately.

Based on its review and research, NIOSH has identified personnel and area monitoring data for W.R. Grace for the residual radiation time period. Therefore, due to the existence of internal and external exposure monitoring data, NIOSH finds no support for the Item F.1 basis that radiation doses potentially incurred by

members of the proposed class that relate to this petition were not monitored, either through personal or area monitoring.

(F.2) Radiation monitoring records for members of the proposed class have been lost, falsified, or destroyed; or there is no information regarding monitoring, source, source term, or process from the site where the employees worked.

In support of this petition basis, you stated that records were only kept based on to which building the employee was assigned. NIOSH has reviewed the available documentation, including several NRC Inspection Reports, and did not find any indication of lost, falsified or destroyed radiation monitoring records.

NIOSH reviewed the summaries provided and the available information and documentation and has found no evidence to substantiate the assertion that any radiation monitoring records were lost, falsified, or destroyed, or that there is no information regarding monitoring, source, source term, or process from the site where the employee worked.

Based on the information you have provided and documentation available to NIOSH, NIOSH finds that there is no support for the petition bases. The petition does not demonstrate that:

- (1) There exist one or more unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents;
- (2) Exposures and radiation doses potentially incurred by members of the proposed class were not monitored, either through personal monitoring or through area monitoring; or
- (3) Radiation monitoring records were lost, falsified, or destroyed; or that there is no information regarding monitoring, source, source term, or process from the site where the employees worked.

On the basis of this professional review of the supporting documents provided as of this date, there is not adequate support for the petition bases to qualify petition SEC00181 for evaluation. Therefore, pursuant to 42 C.F.R. § 83.11(b), we are hereby notifying you of NIOSH's proposed finding that SEC00181 fails to meet the specified requirements needed to qualify for evaluation.

You may request a review of this proposed finding within 30 calendar days of the date you receive this letter, as specified by 42 C.F.R. § 83.11(c). Such a request must be in writing and must specify why the proposed finding should be reversed, based on both the requirements of 42 C.F.R. §§ 83.7 through 83.9 and on the information you have already submitted. Your request for review may not include any new information or documentation. However, if you do obtain new information regarding this petition within this 30-day period, you should provide it to NIOSH at the address given below. In

accordance with 42 C.F.R. § 83.11(c), NIOSH will consider this new information as a revision of the original petition.

Our proposed finding that your petition fails to qualify for evaluation will become a final decision 31 calendar days after the date of this letter, unless it is reviewed under the conditions outlined in the previous paragraph. Please be sure to include your NIOSH SEC Tracking Number (SEC00181) on all correspondence, which should be addressed to:

SEC00181  
Division of Compensation Analysis and Support  
NIOSH MS-C-47  
4676 Columbia Parkway  
Cincinnati, OH 45226

If you have any questions regarding your petition, please contact DCAS toll-free at 1-877-222-7570, or by email at [ocas@cdc.gov](mailto:ocas@cdc.gov). You may also contact our contractor, Oak Ridge Associated Universities (ORAU), toll-free at 1-800-322-0111. Additional information about DCAS and the SEC process can be found on the DCAS website (<http://www.cdc.gov/niosh/ocas>).

Sincerely,



Stuart L. Hinnefeld, Director  
Division of Compensation Analysis and Support  
National Institute for Occupational Safety and Health



National Institute for Occupational  
Safety and Health  
Robert A. Taft Laboratories  
4676 Columbia Parkway  
Cincinnati, OH 45226-1998  
Phone: 877-222-7570  
Fax: 513-533-6826

June 6, 2011

SEC Tracking Number: SEC00184



I am writing to let you know that your Special Exposure Cohort (SEC) petition for the Pinellas Plant (SEC00184) did not meet the requirements to qualify for evaluation (see SEC Final Rule 42 C.F.R Part 83.7-83.9).

We have enclosed a summary of the points discussed with you and the NIOSH responses (see enclosure).

If you would like to request a review of this finding, you must place your request within 30 calendar days of receiving this letter. Your request must:

1. Be in writing and sent to the address given below.
2. State why you believe our finding should be reversed based on the information you submitted with your petition.

Your request for review must not include new information. If you have new information about your petition and send it within this 30-day period, NIOSH will consider any new information as a revision of the original petition.

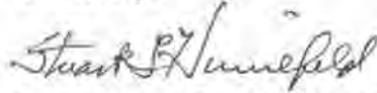
Unless your petition is reviewed under the above conditions, our finding that your petition fails to qualify for evaluation will become effective 31 calendar days after the date of this letter.

Please include your NIOSH SEC Tracking Number (SEC00184) on all correspondence, which should be addressed to:

SEC00184  
Division of Compensation Analysis and Support  
NIOSH MS-C-47  
4676 Columbia Parkway  
Cincinnati, Ohio 45226

If you have any questions regarding your petition, please feel free to contact the NIOSH SEC petition counselor, Josh Kinman. Mr. Kinman can be contacted directly at 513-533-6831 or toll-free at 1-877-222-7570. You can also contact him by email at <dcas@cdc.gov>.

Sincerely,

A handwritten signature in cursive script that reads "Stuart L. Hinnefeld".

Stuart L. Hinnefeld, Director  
Division of Compensation Analysis and Support  
National Institute for Occupational Safety and Health

Enclosure

Enclosure:

In this enclosure we include the results of our review of your petition and all associated supporting documentation and our responses to the petition qualification bases you presented. We have considered all of the materials you have provided regarding your petition, and offer the following facts in support of our proposed finding concerning your petition:

In April 2011, we informed you that petition was submitted with deficiencies. We asked you to respond to those deficiencies and asked for clarifications. On April 25, 2011, we received information from you, as we requested. We followed-up with telephone call on May 6, 2011.

During our follow-up call, you asked that NIOSH include the 48 affidavits provided with petition SEC00130 as supporting documentation for the Item F.2 basis in SEC00184. You stated that the evidence for the plutonium fire in 1973 is found in the Department of Labor (DOL) site exposure matrix, which lists a plutonium fire in building 200 in November 1973 <<http://www.sem.dol.gov/expanded/Incident2.cfm>>. In a subsequent email from you to NIOSH, received May 17, 2011, you requested NIOSH look at the 1990 Tiger Team assessment report, the 1997 baseline report, and the AEC dosimetry records as well as the Radiation Exposure Monitoring System (REMS) report for the Pinellas Plant.

It should be noted that NIOSH has confirmed that the process and product development began in September 1956 at a temporary plant in St. Petersburg. You asserted that NIOSH did address the radiation dose to workers who worked at the temporary plant and indicated that you would be contacting the Department of Energy (DOE) to redefine the covered time period. To date, this St. Petersburg location has not been listed as part of the Pinellas Plant facility, or as a covered facility or location, as defined by the DOE's Office of Health, Safety and Security. Therefore, NIOSH did not include this location in the review of your petition. Below is a detailed summary of the points discussed with you and the NIOSH responses.

(E.5) The existence of one or more unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents.

Petition statement/position

In support of Item E.5 for your initial petition, you provided a listing of the following items:

- 1990 - Rm 114 Bldg 100 cesium/trigger area
- 1978 – Rm 132, Bldg 100 titanium II hydride tritium recovery area
- 1983 – Area 307, Bldg 300 fire in lithium bath next to heater
- 1973 – Plutonium fire Bldg 200
- 1960 – Titanium hydride contamination Area 108 Bldg 100 = neutron tube
- 1971 - Bldg 100 Area 154 tritium contamination
- 1969 - Bldg 400 tritium contamination
- 1995 - Bldg 400 tritium contamination
- 1963 - Stack leak tritium contamination
- 1979 – Bldg 100 tritium contamination
- 1971 – Bldg 100, 182 tritium contamination

In addition, you provided an excerpt from a Health Physics Report listing unusual events involving radiological protection at General Electric Neutron Devices (GEND) [the contemporary contractor at the Pinellas Plant].

NIOSH response

NIOSH requested in the consultation call that you provide additional information on the incidents claimed under Item E.5. The listing of unusual events from the supporting report was previously evaluated by NIOSH and incorporated into the Technical Basis Document (TBD) for the Pinellas Plant. According to this document, for each of the events identified, actions were taken to monitor personnel exposures as necessary.

Petition statement/position

In your April 25, 2011 response, you reiterated the statements regarding incidents as indicated above and provided excerpts from the Pinellas TBDs.

NIOSH response

NIOSH has informed you that this information was previously reviewed and assessed in the SEC00130 petition review and has been included in the Site Profile Document for Pinellas.

Petition statement/position

In reference to analytical devices with a radiation generating device (RGD) you quoted performance regulations of the Food and Drug Administration and the Occupational Safety and Health Administration and stated that the current regulations might have changed in surface radiation levels since 1957 and stated there were recorded incidents at Pinellas involving these types of devices.

NIOSH response

NIOSH has reviewed this information and has determined that this paragraph does not add any additional supporting information as it relates to basis Item E.5, since it does not refer to an unmonitored, unrecorded or inadequately monitored incident (or any other basis item).

Petition statement/position

You provided statements regarding cuts, wounds, skin abrasions, etc., and indicated that the workers at the site received while working in radioactive material areas.

NIOSH response

The assessment of injuries in radiological areas was previously addressed in SEC00130. In that review it was determined that none of the submitted incidents contained any specific evidence of any particular incident or event, a defined set of similar events, or the entire history of reported incidents at the Pinellas Plant that resulted in significant radiation exposure to support an incident basis for a defined proposed worker class of individuals at Pinellas

Based on its review and assessment of all of the information provided for your petition to date, NIOSH concludes that there is insufficient support of the Item E.5 basis that there was one or more unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents.

(F.1) Radiation exposures and radiation doses potentially incurred by members of the proposed class were not monitored, either through personal monitoring or through area monitoring.

Petition statement/position

In support of this Item F.1 you provided the following statements:

- Did not monitor for uranium, krypton or metal tritides
- DOELAP discredited the albedo monitors used by Pinellas and provided by Mound
- The decommissioning/decontamination period has no monitoring records

You provided an attachment that contains the following 13 statements, (although it was not specified to which item the statements referred specifically):

- NIOSH has refused to include the neutron dose to the workers
- NIOSH has refused to include the incidents to the internal dose
- NIOSH has refused to include radiation generating devices
- NIOSH has refused to include the internal dose from all radiation
- NIOSH refuses to include the medical X-ray dose annually
- NIOSH refuses to include the plutonium, uranium, and cobalt, and krypton dose
- Tritium is found in over 30 areas of the Pinellas Plant. Tritium dose ranged from 100 to 386 mrem
- Metal tritides were all over Bldg 100, 200, 300
- Dosimetry readings had plutonium readings
- No alpha dose assigned
- 11-2006 TIB increased the dose but still used the 100 mrem
- Ambiguous and arbitrary, 550 avg dose from 1983-1992, but used 100 mrem
- No neutron dose, even though it was recorded.

NIOSH response

Based on the research performed by NIOSH for the Pinellas Plant, employees were monitored using both bioassay and external dosimetry throughout your proposed class period.

The monitoring data available to NIOSH have been incorporated into the Pinellas Plant Technical Basis Documents. NIOSH has determined that there is sufficient information to conclude that personnel and area monitoring data do exist.

Petition statement/position

In support of the Item F.1 basis, you provided paragraphs in the April 25<sup>th</sup> response from the Pinellas Site Profile regarding the following:

- Sources of radiation and the identity of contaminants
- Statements and paragraphs from SCA-TR-Task-0015 report discussing the dosimetry program and MDLs
- Documentation of how GEND processed dosimetry for the first 18 years
- Mound's albedo dosimeter
- Calibration of NTA film
- Decommissioning/decontamination records
- Some paragraphs discussing tritium from DOE HDBK 1129-2008

NIOSH response

NIOSH has determined that your response does not provide any new information that has not been previously addressed in the assessment of the Pinellas site.

Petition statement/position

In your email to NIOSH, received on May 17, 2011, you requested NIOSH look at the 1990 Tiger Team assessment report, the 1997 baseline report, and the AEC dosimetry records as well as the REMS report for the Pinellas Plant in support of the SEC00184 petition.

NIOSH response

Based on NIOSH's review, the Tiger Team report evaluated 12 radiological performance objectives, 7 of which were related to radiological protection. While the Tiger Team observed various deficiencies in specific aspects of the radiological protection program they also noted that "the overall assessment is that all levels of the GEND organization are receiving adequate radiological protection".

The Tiger Team provided specific findings in the report and their general concerns with certain areas of the radiological program. Some findings related to procedural inadequacy or lack of procedures, lack of oversight, radiological warning lights, operation of the X-ray machines, postings, work procedures, and external and internal dosimetry.

The Tiger Team's specific concern with both the external and internal dosimetry programs was that GEND did not ensure personnel radiation exposures were accurately determined and recorded. The concerns identified in the Tiger Team report are similar in nature to the concerns identified in the SEC00130 petition as well as in the SEC00184 petition. As such, those concerns have already been assessed and evaluated. The specific sections of the 1997 baseline report that was provided initially as an attachment to the petition has also been evaluated and is not considered new information. NIOSH has reviewed all available dosimetry records that have been provided for the Pinellas Plant workers. The REM reports are annual reports that show the ranges of exposure for monitored personnel. Neither the dosimetry records nor the REMS report provides information that has not already been evaluated.

NIOSH finds that the information suggested as supporting documentation in your email does not add any new information that has not been previously assessed and evaluated as part of this petition documentation review, or the review for SEC00130.

Based on NIOSH's review and assessment of all of the information provided for your petition to date, NIOSH concludes that there is insufficient support of the Item F.1 basis that radiation doses potentially incurred by members of the proposed class that relate to this petition were not monitored, either through personal or area monitoring.

(F.2) Radiation monitoring records for members of the proposed class have been lost, falsified, or destroyed; or there is no information regarding monitoring, source, source term, or process from the site where the employees worked.

Petition statement/position

Although this item was not checked in your original petition, you provided the following statements in support of the petition:

During construction and remodeling air monitors and records are not correct, dosimetry badges are altered, and several monitoring records are missing, altered, or destroyed.

NIOSH response

There was no affidavit provided for this basis item and none of the attached documents contained information that supports the assertion that monitoring records were lost, falsified, or destroyed.

Based on the research performed by NIOSH for the Pinellas Plant, as documented in the TBDs for the site, internal and external monitoring records are available to NIOSH. Additionally, the TBDs contain an analysis of source term information, area monitoring, and stack monitoring data.

Petition statement/position

In your April 25, 2011 response you provided paragraphs from both the Internal and External TBD's and statements made by NIOSH to support the inference that the 'professional judgment' is not in conformity with the guidelines, the information on the Pinellas plant workers from the AEC report, nor the federal regulations.

NIOSH response

Based on its review of the available information, NIOSH concludes that the information provided is not applicable to the Item F.2 basis that radiation monitoring records for members of the proposed class have been lost, falsified or destroyed; or that there is no information regarding monitoring, source term, or process from the site where the employees worked.

Petition statement/position

During our follow-up call on May 6, 2011, you asked that NIOSH include the affidavits provided with petition SEC00130 as supporting documentation for Item F.2 in SEC00184.

NIOSH response

NIOSH has previously reviewed and assessed the affidavits submitted for petition SEC00130. NIOSH has reviewed the affidavits a second time as part of the SEC00184 review and has, in addition, reviewed claimant records of individuals making record alteration statements in the affidavits. Four of the 48 affiants made statements to the effect that records were somehow altered, yet without providing any specific information beyond very general statements. No additional information supporting radiation monitoring record alteration was found in claimant records. NIOSH concludes that the information provided in the affidavits is not sufficient to support Item F.2 basis that radiation monitoring records for members of the proposed class have been lost, falsified or destroyed; or that there is no information regarding monitoring, source term, or process from the site where the employees worked.

Based on NIOSH's review and assessment of all of the information provided for your petition to date, NIOSH concludes that there is insufficient support for the Item F.2 basis that radiation monitoring records for members of the proposed class have been lost, falsified, or destroyed; or there is no information regarding monitoring, source, source term, or process from the site where the employees worked.

(F.3) I/We have attached a report from a health physicist or other individual with expertise in radiation dose reconstruction documenting the limitations of existing DOE or AWE records on radiation exposures at the facility, as relevant to the petition. The report specifies the

basis for believing these documented limitations might prevent the completion of dose reconstructions for members of the class under 42 CFR Part 82 and related NIOSH technical implementation guidelines.

Petition statement/position

In support of this petition basis you provided a listing of hazardous substances as defined in 40 CFR, (302.4 Appendix B), selected pages from six reports, nine abstracts from various technical journals, one email [name redacted], and 23 toxic substance data sheets, some of which indicate where in the Pinellas plant they were used.

NIOSH response

NIOSH has reviewed the submitted documents and concluded that the excerpt from the SC&A evaluation of TBD for the Pinellas Plant is considered a report from a Health Physicist documenting the limitations of the radiation records at the Pinellas Plant as relevant to this petition. The excerpt lists a summary of 11 findings with regard to monitoring data at the Pinellas Plant. These findings have been the subject of discussion during two meetings (in 2008 and 2009) of a work group of the Advisory Board on Radiation and Worker Health (ABRWH). Based on the transcripts of these meetings, the findings have been largely resolved or are in the process of being resolved pending a revision of the TBD for the Pinellas Plant. NIOSH has reviewed the SC&A TBD review as well as the work group transcript and has concluded that there is insufficient information in the report to support the Item F.3 basis item for your petition.

Petition statement/position

In your April 25, 2011 response you listed the 10 documents that were included in the original petition submittal with no further discussion. You also attached additional documentation that included pages discussing the timeliness policy, various information on bioassay and tritiated water monitoring, special tritium compounds, organically bound tritium, dose reconstruction for an occupational cohort, tritium health consequences, surface contamination guidelines, public health dose limits, and a listing of references.

NIOSH response

Based on NIOSH's review and assessment of all of the information provided for Pinellas to date, and based on the research performed by NIOSH for this site and the available information and documentation regarding internal and external monitoring, NIOSH concludes that there is insufficient information in the report to support the Item F.3 basis item for your petition.

Based on NIOSH's review and assessment of all of the information provided for your petition to date, NIOSH concludes that there is insufficient support for the Item F.3 basis that you have attached a report from a health physicist or other individual with expertise in radiation dose reconstruction documenting the limitations of existing DOE records on radiation exposures at Pinellas, which specifies the basis for believing these documented limitations might prevent the completion of dose reconstructions for members of the class under 42 CFR Part 82 and related NIOSH technical implementation guidelines.

(F.4) I/We have attached a scientific or technical report, issued by a government agency of the Executive Branch of Government or the General Accounting Office, the Nuclear

Regulatory Commission, or the Defense Nuclear Safety Board, or published in a peer-reviewed journal that identifies dosimetry and related information, that are unavailable (due to either lack of monitoring or the destruction or loss of records) for estimating the radiation doses of employees covered by the petition.

Petition statement/position

The information you provided, and NIOSH's response to Item F.4 is consolidated in the response to item F.3. However, you stated that the DOE Handbook was also used as a basis for this petition.

NIOSH response

Based on NIOSH's review and assessment of all of the information provided for your petition to date, and based on the research performed by NIOSH for this site and the available information and documentation regarding internal and external monitoring, NIOSH concludes that there is not sufficient support for the Item F.4 basis that you have attached a scientific or technical report, issued by a government agency of the Executive Branch of Government or the General Accounting Office, the Nuclear Regulatory Commission, or the Defense Nuclear Safety Board, or published in a peer-reviewed journal that identifies dosimetry and related information, that are unavailable (due to either lack of monitoring or the destruction or loss of records) for estimating the radiation doses of employees covered by the petition.

Based on the information you have provided and documentation available to NIOSH, NIOSH finds that there is no support for the petition bases. The petition does not demonstrate that:

- (1) There exists one or more unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents;
- (2) Exposures and radiation doses potentially incurred by members of the proposed class were not monitored, either through personal monitoring or through area monitoring; or
- (3) Radiation monitoring records were lost, falsified, or destroyed; or that there is no information regarding monitoring, source, source term, or process from the site where the employees worked.
- (4) The attached report from a health physicist or other individual with expertise in radiation dose reconstruction documents the limitations of existing DOE records on radiation exposures at Pinellas, which would specify the basis for believing these documented limitations might prevent the completion of dose reconstructions for members of the class under 42 CFR Part 82 and related NIOSH technical implementation guidelines.
- (5) The attached scientific or technical report, issued by a government agency of the Executive Branch of Government or the General Accounting Office, the Nuclear Regulatory Commission, or the Defense Nuclear Safety Board, or published in a peer-reviewed journal identifies dosimetry and related information, that are unavailable (due to either lack of monitoring or the destruction or loss of records) for estimating the radiation doses of employees covered by the petition.

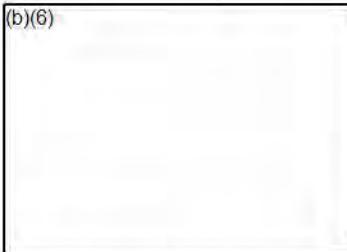
On the basis of this professional review of the supporting documents provided as of this date, there is not adequate support for the petition bases to qualify petition SEC00184 for evaluation. Therefore, pursuant to 42 C.F.R. § 83.11(b), we are hereby notifying you of NIOSH's proposed finding that SEC00184 fails to meet the specified requirements needed to qualify for evaluation.



National Institute for Occupational  
Safety and Health  
Robert A. Taft Laboratories  
4676 Columbia Parkway  
Cincinnati, OH 45226-1998  
Phone: 877-222-7570  
Fax: 513-533-6826

December 6, 2011

SEC Tracking Number: SEC00187



I am writing to let you know that your Special Exposure Cohort (SEC) petition for the Hanford site (SEC00187) did not meet the requirements to qualify for evaluation (see SEC Final Rule 42 C.F.R Part 83.7-83.9).

We have enclosed a summary of the points discussed with you and the NIOSH responses (see enclosure).

If you would like to request a review of this finding, you must place your request within 30 calendar days of receiving this letter. Your request must:

1. Be in writing and sent to the address given below.
2. State why you believe our finding should be reversed based on the information you submitted with your petition.

Your request for review must not include new information. If you have new information about your petition and send it within this 30-day period, NIOSH will consider any new information as a revision of the original petition.

Unless your petition is reviewed under the above conditions, our finding that your petition fails to qualify for evaluation will become effective 31 calendar days after the date of this letter.

Please include your NIOSH SEC Tracking Number (SEC00187) on all correspondence, which should be addressed to:

SEC00187  
Division of Compensation Analysis and Support  
NIOSH MS-C-47  
4676 Columbia Parkway

Cincinnati, Ohio 45226

If you have any questions regarding your petition, please feel free to contact the NIOSH SEC petition counselor, Josh Kinman. Mr. Kinman can be contacted directly at 513-533-6831 or toll-free at 1-877-222-7570. You can also contact him by email at <dcas@cdc.gov>.

Sincerely,

A handwritten signature in cursive script that reads "Stuart L. Hinnefeld".

Stuart L. Hinnefeld, Director  
Division of Compensation Analysis and Support  
National Institute for Occupational Safety and Health

Enclosure

Enclosure:

In this enclosure we include the results of our review of your petition and all associated supporting documentation and our responses to the petition qualification bases you presented. We have considered all of the materials you have provided regarding your petition, and offer the following facts in support of our proposed finding concerning your petition:

In our letter dated August 18, 2011, we informed you that your petition was submitted with deficiencies. We asked you to respond to those deficiencies and asked for clarifications. On August 26, 2011, we received information from you, as we requested, in a letter dated August 22, 2011. We followed-up with various email communications through September 27, 2011.

Below is a detailed summary of the points discussed with you and the NIOSH responses.

(E.5) The existence of one or more unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents.

Petition statement/position

In support of Item E.5 for your initial petition, you provided an affidavit, describing an incident of "acute radiation sickness" that occurred in the 1980's. No details pertaining to that incident were provided in the petition. The affidavit says that your father came home from work early one day feeling bad and told you that he had been "overexposed" and sent home, but it provides no further detail.

In your response letter dated August 22, 2011 you state that there are no records pertaining to the incident of overexposure described in the affidavit submitted

with your SEC Petition. You also stated that this incident of acute radiation sickness occurred during the mid/late eighties while you were a Hanford employee yourself; and you repeated your position that "Because there are no records of this incident in my father's employment file, it confirms his records are incomplete and have been lost, destroyed or intentionally falsified."

NIOSH response

NIOSH has been unable to obtain records or confirmation of the occurrence of such an incident from sources independent of the petitioner. Since the consultation telephone call, you have not provided the required description of the alleged incident or the date of its occurrence. NIOSH therefore cannot accept this alleged incident as the basis for qualifying this petition.

(F.1) Radiation exposures and radiation doses potentially incurred by members of the proposed class were not monitored, either through personal monitoring or

through area monitoring.

Petition statement/position

In support of this Item F.1 you provided Exhibit 1, the Internal Dosimetry Report for your father. The report contains plutonium-239 urinalysis results from 1975 and whole body counting results for years 1979-1983 and 1988-1991. You assert that internal dosimetry results are unavailable for all of the applicable radionuclides for all years of employment, and that there are no records at all for some years.

NIOSH response

The fact that some internal dose monitoring records are available for your father is evidence that the class of employees was monitored through Hanford's internal dosimetry program. NIOSH is aware that not all employees at Hanford were required to participate in all aspects of the internal dosimetry program, nor were participants in the internal dosimetry program always monitored for all radionuclides found on site. NIOSH has developed methods to estimate intakes to unmonitored workers at Hanford.

Much of the focus of the current evaluation of SEC00057 pertains to the adequacy of the internal dose monitoring program at Hanford. The evidence presented in Exhibit 1 is typical for Hanford employees during the 1975 through 1992 time period. It contains nothing unique; similar data are already being considered in the current evaluation of SEC00057.

42 C.F.R § 83.9 (a)(5) states that if NIOSH has already issued a FEDERAL REGISTER notice scheduling a Board meeting to consider a petition concerning a class of employees, then any petitions for such a class of employees submitted following this notice must present substantially new information that has not already been considered by NIOSH. NIOSH has determined that your Exhibit 1 provides no substantially new information regarding the availability of internal dosimetry data, beyond what NIOSH has previously addressed in its evaluation reports for SEC-00057.

Petition statement/position

In support of this Item F.1 you provided Exhibit 2, containing external dosimetry results for all years of employment. Positive exposures were reported for 12 of the 18 years and zero exposure was reported for 6 of the years of employment. You concluded that external monitoring records are missing because zeros were reported for some years.

NIOSH response

NIOSH did not find that external dosimetry records were missing, even though zeros were reported for some years. Measured annual external exposures of zero were not uncommon at Hanford. NIOSH has developed methods to interpret reported doses of zero and assign positive dose for those years. NIOSH has

determined that your Exhibit 2 does not provide an indication of missing external dosimetry records.

Petition statement/position

In support of this Item F.1 you provided Exhibit 3, a record of plutonium-239 bioassay from 1975. You assert there are no other records of plutonium-239 bioassay for the remainder of your father's 17 years of employment at Hanford.

NIOSH response

As denoted above in the discussion of Exhibit 1, NIOSH is aware that not all employees at Hanford were required to participate in all the various elements of the internal dosimetry program. NIOSH has developed methods to estimate intakes to unmonitored workers at Hanford. The adequacy of the internal monitoring program at Hanford is the primary focus of the current evaluation of SEC00057.

42 C.F.R § 83.9 (a)(5) states that if NIOSH has already issued a FEDERAL REGISTER notice scheduling a Board meeting to consider a petition concerning a class of employees, then any petitions for such a class of employees submitted following this notice must present substantially new information that has not already been considered by NIOSH. NIOSH has determined that your Exhibit 3 provides no substantially new information regarding the availability of plutonium bioassay data, beyond what NIOSH has previously addressed in its evaluation reports for SEC-00057.

Petition statement/position

In support of this Item F.1 you provided Exhibit 4, containing a NIOSH report of dose reconstruction for a specific employee.

NIOSH response

The Department of Labor has established procedures, which are separate from SEC petitions, for cancer claimants who want to contest the factual findings upon which NIOSH based its dose reconstruction or its application of the NIOSH dose reconstruction methodology to those facts. A petition on behalf of an individual employee does not meet the requirements of the SEC Rule (42 C.F.R. § 83.9 (c)).

Petition statement/position

In support of this Item F.1 you provided Exhibit 5, a Hanford Intercontractor Radiation Work Exposure Control document from 1982. It authorizes your father to work at UNC Nuclear Industries facilities from 5/13/82 to 6/1/82 and it states: "Exposure is not to exceed 1000 mrem whole body." You postulate that since there are no records to indicate otherwise, your father may have received 1000 rems during every 2 weeks of his 17 years of employment, which would have resulted in a total of 442,000 rems of radiation exposure during his employment.

NIOSH response

NIOSH has concluded that your petition assertion misinterpreted this form to indicate that the worker was cleared to receive 1000 rems for the 2-week period, in contrast to the milli-rems stated on the form. Your calculations were off by a factor of 1000 for the 2-week period. NIOSH finds that external monitoring records are available for this individual for all 17 years of employment at Hanford, and has determined that Exhibit 5 does not provide evidence of a lack of monitoring.

Petition statement/position

In support of this Item F.1 you provided Exhibit 6, NIOSH's SEC00057-2 SEC Petition Evaluation Report. You note that this evaluation report confirms that zinc-65 was one of the routinely monitored contaminants at Hanford. You further claim that the Department of Energy failed to monitor your father for Zn-65 during 12 of his 17 years of employment at Hanford.

NIOSH response

As indicated above in the discussions of Exhibits 1 and 3, NIOSH is aware that not all employees at Hanford were required to participate in all the various elements of the internal dosimetry program. NIOSH has developed methods to estimate intakes to unmonitored workers at Hanford. The adequacy of the internal monitoring program at Hanford is the primary focus of the current evaluation of SEC00057. The data presented in Exhibit 6 are already being considered by NIOSH in its evaluation of SEC00057.

42 C.F.R § 83.9 (a)(5) states that if NIOSH has already issued a FEDERAL REGISTER notice scheduling a Board meeting to consider a petition concerning a class of employees, then any petitions for such a class of employees submitted following this notice must present substantially new information that has not already been considered by NIOSH.

Based on NIOSH's review and assessment of all of the information provided for your petition to date, NIOSH concludes that there is insufficient support of the Item F.1 basis that radiation doses potentially incurred by members of the proposed class that relate to this petition were not monitored, either through personal or area monitoring.

(F.2) Radiation monitoring records for members of the proposed class have been lost, falsified, or destroyed; or there is no information regarding monitoring, source, source term, or process from the site where the employees worked.

Petition statement/position

In support of this Item F.2 you provided Exhibit 5, a Hanford Intercontractor Radiation Work Exposure Control document from 1982. It is provided as evidence that your father worked in "the UNC hot zone" during a 2-week

period from May 13, 1982 to June 1, 1982. You then indicate that your father tested positive for internal contamination of cesium-137 on July 8, 1982 and you assert that the cesium contamination was due to his Hanford employment and not “ingestion of fallout that is ever-present in the United States as a result of foreign and domestic atmospheric weapons testing,” as your father’s dose reconstruction document indicates.

NIOSH response

DOL has established procedures, which are separate from SEC petitions, for cancer claimants who want to contest the factual findings upon which NIOSH based its dose reconstruction or its application of the NIOSH dose reconstruction methodology to those facts. A petition on behalf of an individual employee does not meet the requirements of the SEC Rule (42 C.F.R. § 83.9 (c)).

Petition statement/position

In support of this Item F.2 you provided Exhibit 6, NIOSH’s SEC00057-2 SEC Petition Evaluation Report. You cite the NIOSH report as evidence of cesium exposures at Hanford.

NIOSH response

The adequacy of the internal monitoring program at Hanford for radionuclides such as cesium is the primary focus of the current evaluation of SEC00057. The data presented in Exhibit 6 are already being considered by NIOSH.

42 C.F.R § 83.9 (a)(5) states that if NIOSH has already issued a FEDERAL REGISTER notice scheduling a Board meeting to consider a petition concerning a class of employees, then any petitions for such a class of employees submitted following this notice must present substantially new information that has not already been considered by NIOSH.

Petition statement/position

In support of this Item F.2 you provided Exhibit 7, containing two letters from your father’s file. These letters are from a medical physician. The physician writes, “His health screening exams on July 24, 1980 and July 8, 1982 did not show any abnormalities.” You assert that your father tested positive for Cs-137 on both days, thus suggesting that these positive Cs-137 results should have been identified by the examining physician as abnormalities.

NIOSH response

NIOSH has determined that a routine medical physical examination is not expected to be capable of identifying internal Cs-137 contamination. Furthermore, NIOSH does not find the levels of contamination identified by whole body counting in 1980 and 1982 to be abnormal or even distinguishable from what would be expected from that due to ingestion of fallout from atmospheric weapons testing.

NIOSH does not find these medical examination records, in conjunction with the reported positive Cs-137 internal dosimetry results, to be evidence that radiation monitoring records for members of the proposed class have been lost, falsified, or destroyed; or that there is no information regarding monitoring, source, source term, or process from the site where the employees worked. Worker bioassay results are not routinely found in medical examination records.

Petition statement/position

In support of this Item F.2 you provided Exhibit 8, an attachment to a U.S. DOE, Richland Operations Office solicitation for the Plateau Remediation Contract. It is labeled Hanford Site Structures List and identifies over 400 different structures on the Hanford site, primarily from Area 100 and Area 200. There are 10 different boiler buildings on the list, some in areas with known contamination. You assert that your father's position required him to crawl into the boilers to weld. You further wrote: "None of these buildings or structures is mentioned or listed anywhere within my father's DOE file or accounted for or acknowledged in my father's dose reconstruction."

NIOSH response

NIOSH has determined that all work locations are not expected to be specifically listed in Hanford exposure records. NIOSH finds that external monitoring records are available for this individual for all 17 years of employment at Hanford and that exposures at the facilities listed in Exhibit 7 were therefore monitored. Because all employee work areas are not routinely specified in an employee's dose reconstruction, NIOSH does not find this structures list, or the fact that none of these structures are listed in an individual's DOE file or acknowledged in an individual's dose reconstruction, to be evidence that radiation monitoring records for members of the proposed class have been lost, falsified, or destroyed; or that there is no information regarding monitoring, source, source term, or process from the site where the employees worked.

Petition statement/position

In support of this Item F.2 you provided Exhibit 9, a DOE Office of Worker Advocacy Employment Verification Statement, dated 1/26/2005, for your father. You quote the form as saying "His work locations included, but were possibly not limited to the 200 East Area / 2722E and 284E Buildings." You also write in the initial petition:

"That statement is not accurate as the 2722 E Building is an Office Administration Building. My father was a welder who was required to provide welding, plumbing, and maintenance services throughout the entire Hanford Nuclear Site, including in and around the reactors and the boilers and he did not work in an office building. My father reported to work each day at the Power House and Steam Plant which was the 284E and 284 W buildings."

NIOSH response

NIOSH does not find any inconsistencies between the DOE ES&H Office of Worker Advocacy Employment Verification Statement and your statement. The Employment Verification Statement does not state that your father's work locations were limited to the 2722E or 284E Buildings, nor does it exclude possible work in other areas such as the 284E or 284W Buildings. NIOSH does not find Exhibit 9 to be evidence that radiation monitoring records for members of the proposed class have been lost, falsified, or destroyed; or that there is no information regarding monitoring, source, source term, or process from the site where the employees worked.

Petition statement/position

In support of this Item F.2 you provided Exhibit 10, your father's Hanford Occupational Dose Record. You indicate that the report shows the 2713E building as the work location for 6 years, and you assert that the records are therefore in error because Building 2713E is an Office Administration Building.

NIOSH response

NIOSH finds that the buildings listed on the Hanford dose records cannot always be interpreted as physical work locations, but rather, they are sometimes mailing addresses for reports to be sent to employees. The buildings listed in Hanford dose records are not always pertinent to dose reconstruction. NIOSH finds that Exhibit 10 does not exclude your father from having worked at other locations. NIOSH does not find Exhibit 10 to be evidence that radiation monitoring records for members of the proposed class have been lost, falsified, or destroyed; or that there is no information regarding monitoring, source, source term, or process from the site where the employees worked.

Based on NIOSH's review and assessment of all of the information provided for your petition to date, NIOSH concludes that there is insufficient support of the Item F.2 basis that radiation monitoring records for members of the proposed class have been lost, falsified, or destroyed; or there is no information regarding monitoring, source, source term, or process from the site where the employees worked.

(F.4) I/We have attached a scientific or technical report, issued by a government agency of the Executive Branch of Government or the General Accounting Office, the Nuclear Regulatory Commission, or the Defense Nuclear Safety Board, or published in a peer-reviewed journal that identifies dosimetry and related information, that are unavailable (due to either lack of monitoring or the destruction or loss of records) for estimating the radiation doses of employees covered by the petition.

Petition statement/position

In support of this Item F.4 you provided Exhibit 6, containing pages from the Hanford SEC Petition Evaluation Report SEC00057-2. You reference Table 7-3 of that report, which lists the maximum intakes by radionuclide derived

from environmental air monitoring, and denotes that these values are less than the reported doses from your father's internal dose records.

NIOSH response

The values in Table 7-3 of Hanford SEC Petition Evaluation Report SEC00057-2 are representative of intakes to unmonitored workers due solely to inhalation of ambient environmental radioactive materials at Hanford. These values are not meant to bound or represent intake values for radiological workers who may have received larger intakes from actually working with radioactive materials or contaminated systems. The doses to many radiological workers are expected to be higher than the doses received from environmental exposures.

The adequacy of the internal monitoring program at Hanford is the primary focus of the current evaluation of SEC00057. The issues in Hanford SEC Petition Evaluation Report SEC00057-2 (Exhibit 6) are already being considered in the current evaluation of SEC00057.

42 C.F.R § 83.9 (a)(5) states that if NIOSH has already issued a FEDERAL REGISTER notice scheduling a Board meeting to consider a petition concerning a class of employees, then any petitions for such a class of employees submitted following this notice must present substantially new information that has not already been considered by NIOSH.

Petition statement/position

In support of this Item F.4 you provided Exhibit 10, consisting of 19 pages of external dosimetry reports for your father. The reports cover all years of employment. You note that in 1982 your father was issued the 4 element TLD and note that Exhibit 11 states: "The neutron dose was under-recorded during January 1980 through January 1984 when the four-element Hanford TLD was used."

NIOSH response

The issues associated with neutron dosimetry and the 4 element TLD are part of the current evaluation of SEC00057. The data presented in Exhibit 10 are not unique; similar data are already being considered in the current evaluation of SEC00057. The adequacy of the external monitoring program at Hanford, during the years covered by Exhibit 10, is an element the current evaluation of SEC00057.

42 C.F.R § 83.9 (a)(5) states that if NIOSH has already issued a FEDERAL REGISTER notice scheduling a Board meeting to consider a petition concerning a class of employees, then any petitions for such a class of employees submitted following this notice must present substantially new information that has not already been considered by NIOSH. NIOSH does not find Exhibit 10 to contain new information beyond that already being considered in the evaluation of SEC00057.

Petition statement/position

In support of this Item F.4 you provided Exhibit 11, a technical evaluation of the Hanford Site Profile by S. Cohen & Associates.

NIOSH response

This Site Profile review document is already being carefully reviewed by NIOSH and the Advisory Board on Radiation and Worker Health as part of the current evaluation of the SEC00057.

42 C.F.R § 83.9 (a)(5) states that if NIOSH has already issued a FEDERAL REGISTER notice scheduling a Board meeting to consider a petition concerning a class of employees, then any petitions for such a class of employees submitted following this notice must present substantially new information that has not already been considered by NIOSH. NIOSH does not find Exhibit 11 to contain new information beyond that already being considered in the evaluation of SEC00057.

Petition statement/position

In support of this Item F.4 you provided Exhibit 12, a radiation safety training attendance sheet from 1987. This training took place in Building 3706 in the 300 Area. It was submitted by you as evidence that your father was cleared for radiation work in Building 3706 for 2 years.

NIOSH response

NIOSH considers the building location information of Exhibit 12 to likely represent the location where the training was given. The training course given is shown to be a Radiation Safety Requalification, which NIOSH considers to likely be a general training requalification which is not specific to work in Building 3706. NIOSH considers the two-year duration to likely be the periodicity of training requalification, not an indicator of two years of work in Building 3706. NIOSH does not find Exhibit 12 to contain information that identifies dosimetry and related information that are unavailable for estimating the radiation doses of employees covered by the petition.

Petition statement/position

In support of this Item F.4 you provided Exhibit 13, a Hanford Site Waste Management Units Report, dated January 2011. It indicates that contamination and unplanned releases occurred in and around Building 3706.

NIOSH response

Exhibit 13 indicates that the Building 3706 is posted as a Fixed Contamination Area, containing contamination related to REDOX, PUREX, and RECUPLEX processes. The issues associated with dose reconstruction of REDOX, PUREX, and RECUPLEX radionuclides during the period shown in the associated Exhibit 12 are part of the current evaluation of SEC00057. The data presented in Exhibits 12 and 13 are not unique; similar data are already being considered in the current evaluation of SEC00057.

42 C.F.R § 83.9 (a)(5) states that if NIOSH has already issued a FEDERAL REGISTER notice scheduling a Board meeting to consider a petition concerning a class of employees, then any petitions for such a class of employees submitted following this notice must present substantially new information that has not already been considered by NIOSH. NIOSH does not find Exhibit 12 to contain new information beyond that already being considered in the evaluation of SEC00057.

Based on NIOSH's review and assessment of all of the information provided for your petition to date, NIOSH concludes that there is insufficient support of the Item F.4 basis that the cited reports identify dosimetry and related information, that are unavailable (due to either lack of monitoring or the destruction or loss of records) for estimating the radiation doses of employees covered by the petition, beyond that already being considered under the evaluation of SEC00057.

(Email Correspondence) In various email correspondence through September 27, 2011 the petitioner presented positions and raised questions in support of the various petition bases.

Petition statement/position

You wrote: "... I understand that part of my petition dates are encompassed by another existing SEC petition. However, my petition satisfies all requirements under

SEC Rule 42 CFR Part 83, and no where does it state under those federal regulations that NIOSH can arbitrarily change the dates on my petition, say they are only going to look at the dates they have specified, and then tell me it does not qualify for evaluation based on the dates they have chosen."

NIOSH response

In our letter dated August 18, 2011, NIOSH informed you that there already exists a class of Hanford employees that has qualified for evaluation under SEC-00057: "All employees in all facilities and areas of the Hanford Nuclear Reservation from January 1, 1942 through December 31, 1990." We also stated that NIOSH and the Advisory Board on Radiation and Worker Health are currently evaluating SEC-00057 through the end of 1990. We presented the NIOSH position that your petition provides no significant new information for the time period covered by SEC-00057, beyond the issues already being evaluated under SEC00057. As such, we informed you that NIOSH need not re-qualify for evaluation your petitioned time period through December 31, 1990. This NIOSH position is clarified in the discussion above relative to Bases (E.5), (F.1), (F.2), and (F.4), and is supported by 42 C.F.R § 83.9 (a)(5).

We explained that the remainder of the discussion in our August 18, 2011 letter pertained to the post-1990 time period for which you petitioned in your Form B, Item E.4 (i.e., the remaining petitioned period from January 1, 1991 through July 31, 1992). In this current examination of the Exhibits discussed above, NIOSH

does not find any presented bases that are applicable to the post-1990 period, and that were not already inherently being considered in the current evaluation of SEC00057. In its qualification review of your petition, NIOSH considered your entire petitioned period from July 29, 1975 through July 31, 1992.

Petition statement/position

You wrote: "... why is [my petition] not being merged with the other existing SEC petition and posted to the NIOSH website?"

NIOSH response

NIOSH's evaluation of SEC00057 has already been presented to the Advisory Board on Radiation and Worker Health and can no longer be merged with another petition.

Petition statement/position

You wrote: "Nowhere does it say in the SEC Form B instructions that I must demonstrate that there was a need for any particular employee to be monitored for all radionuclides for all years of employment as the summary letter indicated I do. Please clarify that statement."

NIOSH response

In our assessments above for Exhibits 1, 3, and 6, NIOSH has attempted to clarify that the qualification issue is that your examples of potential monitoring deficiencies do not provide substantially new information that has not already been considered by NIOSH in its evaluation of SEC00057, as required by 42 C.F.R § 83.9 (a)(5). NIOSH has developed methods to estimate or bound intakes to unmonitored workers at Hanford. The adequacy of the internal monitoring program at Hanford, and of the NIOSH bounding methods, is the primary focus of the current evaluation of SEC00057.

Petition statement/position

You wrote: "I would like an explanation as to how the Department of Energy decided who was or was not to be adequately and consistently monitored while employed at the Hanford Nuclear Site as Pat Kraps indicated during our phone conversation on 8/3/11?"

NIOSH response

The adequacy of the internal and external monitoring program requirements at Hanford are being evaluated as part of SEC00057, along with the NIOSH-proposed methods of bounding the potential doses received in instances of potential monitoring inadequacies.

Petition statement/position

You wrote: "In regards to the explanation of the NIOSH dose reconstruction methods for unmonitored workers and the Department of Labor's established procedures for that process, NIOSH has not addressed any of my concerns related to the inaccuracies contained in my father's dose reconstruction

document or addressed any of the information stating that they are not estimating all of the harmful elements and radionuclides Hanford employees were exposed to during the timeframe on my petition as outlined in the SC&A review of the Hanford Site Profile. When are they going to address these issues?"

#### NIOSH response

42 C.F.R § 83.1 states that the SEC procedures are not intended to provide a second opportunity to qualify a claim for compensation, once HHS has completed the dose reconstruction and DOL has determined that the cancer subject to the claim was not "at least as likely as not" caused by the estimated radiation doses. DOL has established procedures separate from those covered by this part, under 20 CFR part 30, for cancer claimants who want to contest the factual determinations or how NIOSH conducted their dose reconstructions. NIOSH is available to discuss any concerns you may have specific to the methods and assumptions employed in your father's dose reconstruction, but such discussion will be independent of this petition qualification assessment process.

#### Petition statement/position

You wrote: "I have been told many times by the Department of Labor that NIOSH uses the highest recorded dose to base their "claimant favorable" assumptions on... yet table 7-3 shows the maximum intake calculations NIOSH is using are significantly lower than my father's recorded internal contaminations for the cesium-137 and the plutonium-239. Please explain this."

#### NIOSH response

As described above, in our assessment of your Exhibit 6, the values in Table 7-3 of Hanford SEC Petition Evaluation Report SEC00057-2 are representative of intakes to unmonitored workers due solely to inhalation of ambient environmental radioactive materials at Hanford. These values are not meant to bound or represent intake values for radiological workers who may have received larger intakes from actually working with radioactive materials or contaminated systems. The doses to many radiological workers are expected to be higher than the doses received from environmental exposures.

#### Petition statement/position

You wrote: "Has NIOSH addressed the issues surrounding the HEDR documents in regards to post 1972 years?"

#### NIOSH response

In your August 22, 2011 response to NIOSH you cite a report by the National Academy of Science (NAS). The report pertains to a review of the identification of radionuclides released from the Hanford Nuclear Reservation's Facilities to the Columbia River. NIOSH's use of HEDR source information in the Hanford SEC Petition Evaluation Report SEC00057-2 is limited to calculations of

environmental airborne results (Table 7-3), not waterborne releases to the Columbia River. Furthermore, the NAS report does not appear to criticize the HEDR data, it criticizes the accuracy of later calculations that used the HEDR data only as source information. To the extent that HEDR data are used by NIOSH, they will be evaluated as part of the continuing evaluation of SEC00057, as appropriate.

Petition statement/position

You wrote: "Again, NIOSH and the Advisory Board have been reviewing the existing proposed class for over five (5) years now. How many more years is their review going to take?"

NIOSH response

NIOSH works with the Advisory Board on Radiation and Worker Health to complete the NIOSH evaluations, and the Board's review of NIOSH findings, in a timely manner.

Based on the information you have provided and documentation available to NIOSH, NIOSH finds that there is no support for the petition bases. The petition does not demonstrate that:

- (1) There exist one or more unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents;
- (2) Exposures and radiation doses potentially incurred by members of the proposed class were not monitored, either through personal monitoring or through area monitoring; or
- (3) Radiation monitoring records were lost, falsified, or destroyed; or that there is no information regarding monitoring, source, source term, or process from the site where the employees worked.
- (4) The attached report from a health physicist or other individual with expertise in radiation dose reconstruction documents the limitations of existing DOE records on radiation exposures at Pinellas, which would specify the basis for believing these documented limitations might prevent the completion of dose reconstructions for members of the class under 42 CFR Part 82 and related NIOSH technical implementation guidelines.
- (5) The attached scientific or technical report, issued by a government agency of the Executive Branch of Government or the General Accounting Office, the Nuclear Regulatory Commission, or the Defense Nuclear Safety Board, or published in a peer-reviewed journal identifies dosimetry and related information, that are unavailable (due to either lack of monitoring or the destruction or loss of records) for estimating the radiation doses of employees covered by the petition.

On the basis of this professional review of the supporting documents provided as of this date, there is not adequate support for the petition bases to qualify petition SEC00187 for evaluation. Therefore, pursuant to 42 C.F.R. § 83.11(b), we are hereby notifying you of NIOSH's proposed finding that SEC00187 fails to meet the specified requirements needed to qualify for evaluation.



National Institute for Occupational  
Safety and Health  
Robert A. Taft Laboratories  
4676 Columbia Parkway  
Cincinnati, OH 45226-1998  
Phone: 877-222-7570  
Fax: 513-533-6826

November 3, 2011

SEC Tracking Number: SEC00191



I am writing to let you know that your Special Exposure Cohort (SEC) petition for the Iowa Ordnance Plant (SEC00191) did not meet the requirements to qualify for evaluation (see SEC Final Rule, 42 C.F.R Sections 83.7-83.9).

We have enclosed a summary of the points discussed with you and the NIOSH responses (see enclosure).

If you would like to request a review of this finding, you must place your request within 30 calendar days of receiving this letter. Your request must:

1. Be in writing and sent to the address given below.
2. State why you believe our finding should be reversed based on the information you submitted with your petition.

Your request for review must not include new information. If you have new information about your petition and send it within this 30-day period, NIOSH will consider any new information as a revision of the original petition.

Unless your petition is reviewed under the above conditions, our finding that your petition fails to qualify for evaluation will become effective 31 calendar days after the date of this letter.

Please include your NIOSH SEC Tracking Number (SEC00191) on all correspondence, which should be addressed to:

SEC00191  
Division of Compensation Analysis and Support  
NIOSH MS-C-47  
4676 Columbia Parkway  
Cincinnati, Ohio 45226

If you have any questions regarding your petition, please feel free to contact the NIOSH SEC petition counselor, Josh Kinman. Mr. Kinman can be contacted directly at 513-533-6831 or toll-free at 1-877-222-7570. You can also contact him by email at <dcas@cdc.gov>.

Sincerely,

A handwritten signature in black ink that reads "Stuart L. Hinnefeld". The signature is written in a cursive style with a large, stylized "S" and "H".

Stuart L. Hinnefeld, Director  
Division of Compensation Analysis and Support  
National Institute for Occupational Safety and Health

Enclosure

Enclosure:

In this enclosure we include the results of our review of your petition and all associated supporting documentation, and our responses to the petition qualification bases you presented. We have considered all of the materials you have provided regarding your petition, and offer the following facts in support of our proposed finding concerning your petition:

In your initial petition, you proposed to expand the boundaries of the Iowa Ordnance Plant (IOP), also known as the Iowa Army Ammunitions Plant (IAAP), to include areas, workers, and the time period not specified in the original Department of Energy (DOE) facility site designation as follows:

All workers in Division A and B who worked in any area within the facility fence and including Garage Building 500-129, Heavy Duty Equipment Shops Building 400-138, Battery Shop Building 11-51, General Shop Buildings 300-148 and 1-01, and Paint Shop Building 500-37-6 at the Iowa Ordnance Plant/Iowa Army Ammunitions Plant from 1941 to present and ongoing into the future (which is beyond the covered period currently recognized by DOE/DOL for IOP).

In your initial non-standard Form B petition, you submitted 25 supporting documents (exhibits), which included contracts, public water reports, excerpts from an Advisory Board on Radiation and Worker Health document, an Assessment Plan, remediation/wetland treatment, surface and ground water contaminants, and a variety of other topics in support of the petition. In addition, the petition included a short list of "IAAP Toxicants", a long list of "Toxic Substances Historically Used at the IAAP (preliminary List)" and a list of "Health Outcomes" as a result of exposure to various substances.

In September 2011, we informed you that your petition was submitted with deficiencies. We discussed with you the existing IOP/IAAP SEC evaluations and classes, which cover the entire covered facility definition at the site, and that the portion of the facility that you have included in your petition is not included as part of the covered facility as defined by DOE and the Department of Labor (DOL). We also forwarded your petition request for expansion of the covered facility description to DOL requesting clarification of the description. DOL replied to NIOSH, indicating that it had reviewed the information provided in the petition, as well as other pertinent information available, and concluded there is no information to support the expansion of the physical boundaries or description of the IOP facility covered under EEOICPA.

We received two different responses from you in October 2011, which included your response to our deficiencies letter (discussed above) and a follow-up response with additional information that you provided to support your petition. The additional information described situations where personnel who worked in the Administration Building were exposed to radiation or cross-contamination from the documents they handled, guards traveled all over the plant facility and accompanied non-classified employees to Line 1 and supervised them while they worked, and employees were told

to destroy/shred absolutely anything that could be used in a law suit. Also included were testimonials from several individuals.

We have reviewed your petition and all documents provided as part of our qualification review of your petition. Based on your information and the DOL response that it cannot expand the facility boundaries beyond those covered under EEOICPA, we have concluded the qualification review of this petition without further review as to whether support of a petition basis for the proposed worker class exists. Your petition documents focused primarily on issues that cannot be considered under EEOICPA, and on portions of the IOP/IAAP facility not currently included in the covered definition as defined by DOE/DOL. Therefore, pursuant to 42 C.F.R. § 83.11(b), we are hereby notifying you of NIOSH's proposed finding that SEC00191 fails to meet the specified requirements needed to qualify for evaluation.



National Institute for Occupational  
Safety and Health  
Robert A. Taft Laboratories  
4676 Columbia Parkway  
Cincinnati, OH 45226-1998  
Phone: 877-222-7570  
Fax: 513-533-6826

January 25, 2012

SEC Tracking Number: SEC00193



I am writing to let you know that your Special Exposure Cohort (SEC) petition for the Savannah River Site (SEC00193) did not meet the requirements to qualify for evaluation (see SEC Final Rule 42 C.F.R. §§ 83.7-83.9).

Enclosed is a summary of both the points discussed with you and the NIOSH responses (see enclosure).

If you would like to request a review of this finding, you must place your request within 30 calendar days of receiving this letter. Your request must:

1. Be in writing and sent to the address given below.
2. State why you believe our finding should be reversed based on the information you submitted with your petition.

Your request for review must not include new information. If you have new information about your petition and send it within this 30-day period, NIOSH will consider it as a revision of the original petition.

Unless your petition is reviewed under the above conditions, our finding that your petition fails to qualify for evaluation will become effective 31 calendar days after the date of this letter.

Please include your NIOSH SEC Tracking Number (SEC00193) on all correspondence, which should be addressed to:

SEC00193  
Division of Compensation Analysis and Support  
NIOSH MS-C-47  
4676 Columbia Parkway  
Cincinnati, Ohio 45226

If you have any questions regarding your petition, please feel free to contact the NIOSH SEC petition counselor, Josh Kinman. Mr. Kinman can be contacted directly at 513-533-6831 or toll-free at 1-877-222-7570. You can also contact him by email at <dcas@cdc.gov>.

Sincerely,

A handwritten signature in black ink that reads "Stuart L. Hinnefeld". The signature is written in a cursive style with a large, prominent "S" and "H".

Stuart L. Hinnefeld, Director  
Division of Compensation Analysis and Support  
National Institute for Occupational Safety and Health

Enclosure

Enclosure:

We have included in this enclosure the results of our review of your Special Exposure Cohort (SEC) petition (including all associated supporting documentation) and our responses to the petition qualification bases you presented. We have considered all of the materials you have provided regarding your petition, and offer the following facts in support of our proposed finding concerning your petition:

On the Form B you submitted, you proposed a SEC class that would include the following:

“Information Technology staff, computer system engineers, designers, cafeteria workers, and construction workers who worked in Areas E&F, MAC, Mini-MAC buildings (across from building with sign and suffix #227-26), pre-fabricated buildings and constructions sites in and around these buildings and the MOX Fuel Fabrication Facility at Savannah River Site from January 1, 2001 through December 31, 2009.”

Also in your Form B petition, you submitted a letter which gives a physician’s view that your occupational exposure to radioactive materials could have contributed to the development of cancer. Your petition package also contained a self-prepared nine-page document, which is a review of your individual dose reconstruction.

In November 2011, we informed you that your submitted petition contained deficiencies. One of these deficiencies was resolved during a telephone discussion on November 4, 2011. Our letter to you specifically discussed the two remaining deficiencies.

Below is a detailed summary of the points discussed with you and the NIOSH responses.

(E.5) The existence of one or more unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents.

Petition statement/position:

You listed the incidents as:

- 1) *Constant exposure daily (12-16 hours per day)*
- 2) *Increased danger with no protective clothing or badges*
- 3) *Increased danger being in modular “pre-fab” buildings in the middle of burial grounds of nuclear material.*
- 4) *Fire and evacuation at TAC building. Everyone was exposed inside and going outside.*
- 5) *A shipment of a large object on a train (a form of material to be used by the U.S. from Russia) being transported onsite. Caused management to evacuate us to a large concrete shelter. But we were all exposed walking to/from the location again. These places are all in the midst of the SRS*

*MOX Fuel Fabrication Facility, Areas E, F and other fields where DOE and military projects have been used as "burial" dumping grounds as well as for manufacturing nuclear substances.*

NIOSH response:

You did note that, on one occasion, you were evacuated from your modular buildings so a railroad car with a very large object on it could pass nearby. Considering the information provided, we have determined that during the transport operation you discussed, radiological controls were used to limit personnel exposures (time, distance, and shielding), including the evaluation of people who were in the vicinity of the railroad tracks. Based on our review of your information and all other information available to NIOSH, we have concluded there is no specific information provided in this petition to support including an unmonitored, unrecorded, or inadequately monitored radiological exposure incident as part of the basis for this petition.

(F.1) Radiation exposures and radiation doses potentially incurred by members of the proposed class, that relate to this petition, were not monitored, either through personal monitoring or through area monitoring.

Petition statement/position:

You included the following information under Item F.1:

- 1) *Mini-MAC Building is a secret unidentified (no physical address) location which sites directly in the areas where nuclear materials exist and are buried).*
- 2) *Mini-MAC Building and the F and E Area are pre-fab buildings.*
- 3) *No monitoring badges were issued since the orientation presentation downplayed the seriousness of the real issue.*
- 4) *Male and female breast cancers in the region are extraordinarily high incidence rates proves the existing limits and true dosages are dangerous.*
- 5) *Title 42 explains 98% of radiation induced cancers occur in the regions where so-called "maximum safe thresholds" of dosages exist.*

NIOSH response:

Although you provided no affidavit, we have determined that you were not monitored at SRS. However, we concluded that you were not required to wear a radiation monitoring device per 10 C.F.R. pt. 835. We conducted a search of SRS's electronic document system (EDWS) for MOX and Radiation Survey Log Sheets (RSLS) and identified 97 surveys conducted from 2006 through 2011 in the general area included in your proposed worker class definition. Some of the documents indicated that SRS performed digging around old "process" lines and identified no measureable contamination or external dose rates when they were

unearthed and removed. Dose rates of 0.3 mr/hr and 0.5 mr/hr were recorded at the barricade during radiography on the MOX pad in August 2007 (RSLs CANY-M-20070803-5.PDF). The survey document indicates levels returned to < 2 mr/hr when radiography was completed. Monitored radiography was observed only once in the review of the 97 surveys. Results presented in the 97 survey documents show that radiation exposures in the area were monitored. Based on our review, we find sufficient information does not exist to support qualification of this petition on the Item F.1 basis.

(F.3) A report from a health physicist or other individual with expertise in radiation dose reconstruction documenting the limitations of existing DOE or AWE records on radiation exposures at the facility, as relevant to the petition, specifying the basis for believing these documented limitations might prevent the completion of dose reconstructions for members of the class.

Petition statement/position:

In your petition, you indicated your intent to include Item F.3 as a basis for your petition.

NIOSH response:

You did not include a report from a health physicist or other individual with expertise in radiation dose reconstruction documenting the limitations of existing Department of Energy (DOE) records on radiation exposure at the facility relevant to the petition. NIOSH is not aware of such a document that supports this basis for your proposed SEC class. Based on our review, we find sufficient information to support including the Item F.3 basis for this petition does not exist.

(F.4) You have attached a scientific or technical report, issued by a government agency of the Executive Branch of Government or the General Accounting Office, the Nuclear Regulatory Commission, or the Defense Nuclear Facilities Safety Board, or published in a peer-reviewed journal, that identifies dosimetry and related information that are unavailable (due to either a lack of monitoring or the destruction or loss of records) for estimating the radiation doses of employees covered by this petition.

Petition statement/position:

In your petition, you indicated your intent to include Item F.4 as a basis for your petition.

NIOSH response:

Based on our reviews, you did not include such an attachment in your petition

package. NIOSH is not aware of such a document that supports this basis for your proposed worker class. Based on our review, we find sufficient information to support including the Item F.4 basis for this petition does not exist.

Based on the information you have provided and documentation available to NIOSH, we find no support for the claimed petition bases. The petition does not demonstrate that:

- (1) There exists one or more unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents;
- (2) Exposures and radiation doses potentially incurred by members of the proposed class were not monitored, either through personal monitoring or through area monitoring; or
- (3) Radiation monitoring records were lost, falsified, or destroyed; or that there is no information regarding monitoring, source, source term, or process from the site where the employees worked.
- (4) An attached report from a health physicist or other individual with expertise in radiation dose reconstruction documents the limitations of existing DOE records on radiation exposures at Savannah River Site, which would specify the basis for believing these documented limitations might prevent the completion of dose reconstructions for members of the class under 42 CFR pt. 82 and related NIOSH technical implementation guidelines.
- (5) An attached scientific or technical report, issued by a government agency of the Executive Branch of Government or the General Accounting Office, the Nuclear Regulatory Commission, or the Defense Nuclear Safety Board, or published in a peer-reviewed journal identifies dosimetry and related information, that are unavailable (due to either lack of monitoring or the destruction or loss of records) for estimating the radiation doses of employees covered by the petition.

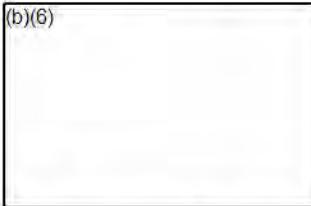
NIOSH's proposed finding is that your proposed worker class: "Information Technology staff, computer system engineers, designers, cafeteria workers, and construction workers who worked in Areas E&F, MAC, Mini-MAC buildings (across from building with sign and suffix #227-26), pre-fabricated buildings and constructions sites in and around these buildings and the MOX Fuel Fabrication Facility at Savannah River Site from January 1, 2001 through December 31, 2009", fails to meet the specified requirements needed to qualify for evaluation under 42 C.F.R. § 83.11(b).



National Institute for Occupational  
Safety and Health  
Robert A. Taft Laboratories  
4676 Columbia Parkway  
Cincinnati, OH 45226-1998  
Phone: 877-222-7570  
Fax: 513-533-6826

January 10, 2012

SEC Tracking Number: SEC00194



I am writing to let you know that your Special Exposure Cohort (SEC) petition for the Savannah River Site (SEC00194) did not meet the requirements to qualify for evaluation (see SEC Final Rule, 42 C.F.R. §§ 83.7- 83.9).

Enclosed is a summary of the points discussed with you and the NIOSH responses (see enclosure).

If you would like to request a review of this finding, you must place your request within 30 calendar days of receiving this letter. Your request must:

1. Be in writing and sent to the address given below.
2. State why you believe our finding should be reversed based on the information you submitted with your petition.

Your request for review may not include new information. If you have new information about your petition and send it within this 30-day period, NIOSH will consider it as a revision of the original petition.

Unless your petition is reviewed under the above conditions, the finding that your petition fails to qualify for evaluation will become effective 31 calendar days after the date of this letter.

Please include your NIOSH SEC Tracking Number (SEC00194) on all correspondence, which should be addressed to:

SEC00194  
Division of Compensation Analysis and Support  
NIOSH MS-C-47  
4676 Columbia Parkway  
Cincinnati, Ohio 45226

If you have any questions regarding your petition, please feel free to contact the NIOSH SEC petition counselor, Josh Kinman. Mr. Kinman can be contacted directly at 513-533-6831 or toll-free at 1-877-222-7570. You can also contact him by email at <dcas@cdc.gov>.

Sincerely,

A handwritten signature in black ink that reads "Stuart L. Hinnefeld". The signature is written in a cursive style with a large, stylized initial "S".

Stuart L. Hinnefeld, Director  
Division of Compensation Analysis and Support  
National Institute for Occupational Safety and Health

Enclosure

Enclosure:

In this enclosure we include the results of our review of your petition and all associated supporting documentation and our responses to the petition qualification bases you presented. We have considered all of the materials you have provided regarding your petition, and offer the following facts in support of our proposed finding concerning your petition:

In your initial petition, you proposed a Special Exposure Cohort (SEC) cohort class at the Savannah River Site (SRS) to include:

Typists, administrative personnel, and accountability clerks who worked in the 221-F JB Line, 400 D, 232-H, 234-H, and the H-Canyon Facility at Savannah River Site in Aiken, South Carolina from February 6, 1978 through June 30, 1994.

In your initial Form B petition, you submitted in an affidavit (dated August 29, 2011) that two incidents (Form B, item E.5) took place at the site. The petition also contained hand-written comment under item E.5, which detailed two alleged incidents.

In October 2011, we informed you that your petition was submitted with deficiencies. One deficiency was resolved during a telephone discussion held on October 3, 2011. The Consultation Call letter specifically discussed two remaining deficiencies.

Below is a detailed summary of the points discussed with you and the NIOSH responses.

(E.5) The existence of one or more unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents.

Petition statement/position

You provided the following information to support the Item E.5 basis:

*The first of these two incidents occurred in the 5<sup>th</sup> level-better known as B-Line in the 221-F Canyon building. This was where the plutonium buttons were made.*

*Once, when I was in Cation Coupling, replenishing the Run Books and procedures needed to run the process while I was in the room, an alarm of high radioactivity sounded. All of the other personnel that were in the room were treated for receiving a high level of radiation except me. Nothing was done to me. Health Physics did not even monitor me.*

*The next incident occurred on the 3<sup>rd</sup> level where my office was. It was there that I did all of my typing of the Run Books and procedures. For several months my office was in a little room right adjacent to where High Level Waste was drummed. My supervisor (who sat in the same room back-to-back to me) left his dosimetry badge sitting out on his desk and it registered quite bit of radiation, but my dosimetry badge did not register anything. I*

*suspect that my dosimetry badge was not working properly; thus, I was not adequately monitored the entire time that I worked in that facility.*

(b)(6) provided the following information to support the Item E.5 basis:  
*Exposure to rods in 400-D.*

*[In] 232-H, a drum in waste room came loose and radiated dust/powder exposed all operators, supervisors, and myself to radiation. My office was located right next to the scrap room. There were frequent incidents taking place that would sound the alarm for evacuation. The operators were monitored carefully but I was not. I had to check the vault storage or "button" inventory every month. I was casually monitored for the vaults also. This casual attitude seemed to apply to clerical employees.*

*In 2001 I had ovarian cancer combined with six months concentrated chemo. I feel that the exposure to the rods in 400-D. Also the exposure from high level radioactivity in waste area combined with the counting of buttons in the vaults was enough to warrant a judgment in my favor.*

In response to NIOSH's SEC00194 Consultation Call Letter, you provided a two-page response letter. This letter included a signed affidavit providing some additional general information on exposures to unplanned events at SRS. The supplied affidavit restated that frequent incidents occurred in 232-H and that there was no monitoring.

#### NIOSH response

NIOSH has reviewed the information and affidavit provided and has found that there is no information on any specific incident or a particular timeframe, nor did NIOSH find information to corroborate an unmonitored, unrecorded, or inadequately monitored incident basis in its review of the available information and documentation. In your supporting documentation, you mentioned being in a radiological area where alarms went off and others were sent for follow-up but not you. However, you did not discuss whether nasal smears were taken, and whether those that tested positive were sent for follow-up (a process known to have occurred at SRS based on NIOSH's review of site operations in the available documentation). With your whole body count data and later year bioassay records, NIOSH finds no support for this basis (or information to refute its ability to bound dose for the proposed class).

Based on its review, NIOSH has area air monitoring, area radiological survey, and personnel monitoring data that can be used to reconstruct doses for workers in 232-H. Upon examination of records supplied by the Department of Energy in the EEOICPA claim record for you, NIOSH found plutonium *in-vitro* bioassay data through 1986, and tritium and *in-vivo* bioassay data through 1993; NIOSH also found external dosimetry data for the years 1978 through 1993. For (b)(6) (b)(6) NIOSH found plutonium, americium, uranium and tritium bioassay for 1975 through 1990, *in vivo* bioassay data through 1993; NIOSH also found

external dosimetry data for the years 1971 through 1993. NIOSH also found a record where (b)(6) was analyzed by bioassay for possible exposure to high air radioactivity which shows she was being monitored. Considering all of the available information for SRS for the your proposed SEC class, NIOSH finds there is insufficient information to support including Item E.5 as part of the basis for this petition proposed worker class.

(F.2) I/we have attached either documents or statements provided by affidavit that indicate radiation monitoring records for members of the proposed class have been lost, falsified or destroyed; or that there is no information regarding monitoring, source term, or process from the site where he employees worked.

Petition statement/position

In the original petition, you referred to the incident statements provided in support of Item E.5, as the supporting information and documentation to support an Item F.2 basis.

As indicated in the Item E.5 discussion, in response to NIOSH's SEC00194 Consultation Call Letter you provided a 2-page response letter. It was not readily apparent that the response was directed at the resolution of the deficiency identified by NIOSH for the Item F.2 basis.

NIOSH response

In the original petition, statements were added in the comments section of Item F.2; however, no affidavit or supporting documents were provided to support this basis item. In its Consultation Call Letter, NIOSH requested that you confirm a petition basis and provide the necessary supporting documentation/affidavit. You did not provide a specific response to this identified deficiency; therefore NIOSH is proceeding with the review of this basis item based on the currently available information.

Based on NIOSH's review of the petition and supporting documentation, you have not provided support for concluding that your dosimetry is incomplete and that you were not monitored while going into radiological areas. You specifically mention situations where you thought your badge was in error due to the dose level on your supervisor's badge, which is a clear indication that you acknowledge that you were monitored in a radiological area. As discussed in the Item E.5 review above, NIOSH has access to monitoring data for both of you during your SRS employment periods. The results of those samples showed no measureable intake of radionuclides. NIOSH understands that although both of you may not have been monitored immediately following potential radiological exposure scenarios or in all consecutive years, the available years of bioassay data in either case would account for any potential earlier-year exposures in all cases. Based on its review of the available information and documentation, NIOSH has determined that both of you, and the proposed worker class, were adequately and appropriately monitored for external and internal radiation

exposures during the identified employment period at SRS. Therefore, NIOSH finds there is insufficient information to support the Item F.2 (or any Section F) basis item for this petition proposed worker class.

Based on the information you have provided and documentation available to NIOSH, NIOSH finds that there is no support for any petition bases. The petition does not demonstrate that:

- (1) There exist one or more unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents;
- (2) Exposures and radiation doses potentially incurred by members of the proposed class were not monitored, either through personal monitoring or through area monitoring; or
- (3) Radiation monitoring records were lost, falsified, or destroyed; or that there is no information regarding monitoring, source, source term, or process from the site where the employees worked.
- (4) An attached report from a health physicist or other individual with expertise in radiation dose reconstruction documents the limitations of existing DOE records on radiation exposures at SRS, which would specify the basis for believing these documented limitations might prevent the completion of dose reconstructions for members of the class under 42 CFR Part 82 and related NIOSH technical implementation guidelines.
- (5) An attached scientific or technical report, issued by a government agency of the Executive Branch of Government or the General Accounting Office, the Nuclear Regulatory Commission, or the Defense Nuclear Safety Board, or published in a peer-reviewed journal identifies dosimetry and related information, that are unavailable (due to either lack of monitoring or the destruction or loss of records) for estimating the radiation doses of employees covered by the petition.

Therefore, pursuant to 42 C.F.R. § 83.11(b), we are hereby notifying you of NIOSH's proposed finding that the SEC00194 proposed worker class of: Typists, administrative personnel, and accountability clerks who worked in the 221-F JB Line, 400 D, 232-H, 234-H, and the H-Canyon Facility at Savannah River Site in Aiken, South Carolina from February 6, 1978 through June 30, 1994 fails to meet the specified requirements needed to qualify for evaluation.



National Institute for Occupational  
Safety and Health  
Robert A. Taft Laboratories  
4676 Columbia Parkway  
Cincinnati, OH 45226-1998  
Phone: 877-222-7570  
Fax: 513-533-6826

March 6, 2012

SEC Tracking Number: SEC00197



I am writing to let you know that your Special Exposure Cohort (SEC) petition for the Westinghouse Nuclear Fuels Division (SEC00197) did not meet the requirements to qualify for evaluation (see SEC Final Rule 42 C.F.R §§ 83.7-83.9).

Enclosed is a summary of the points discussed with you and the NIOSH responses.

If you would like to request a review of this finding, you must submit your request within 30 calendar days of receiving this letter. Your request must:

1. Be in writing and sent to the address given below.
2. State why you believe our finding should be reversed based on the information you submitted with your petition.

Your request for review must not include new information. If you have new information about your petition and send it within this 30-day period, NIOSH will consider it as a revision of the original petition.

Unless your petition is reviewed under the above conditions, the finding that your petition fails to qualify for evaluation will become effective 31 calendar days after the date of this letter.

Please include your NIOSH SEC Tracking Number (SEC00197) on all correspondence, which should be addressed to:

SEC00197  
Division of Compensation Analysis and Support  
NIOSH MS-C-47  
4676 Columbia Parkway  
Cincinnati, Ohio 45226

If you have any questions regarding your petition, please feel free to contact the NIOSH SEC petition counselor, Josh Kinman. Mr. Kinman can be contacted directly at 513-533-6831 or toll-free at 1-877-222-7570. You can also contact him by email at <dcas@cdc.gov>.

Sincerely,

A handwritten signature in black ink that reads "Stuart L. Hinnefeld". The signature is written in a cursive style with a large, prominent initial "S".

Stuart L. Hinnefeld, Director  
Division of Compensation Analysis and Support  
National Institute for Occupational Safety and Health

Enclosure

Enclosure:

In this enclosure we include the results of our review of your petition and all associated supporting documentation, and our responses to the petition qualification bases you presented. We have considered all of the materials you have provided regarding your petition, and offer the following facts in support of our proposed finding concerning your petition:

In your initial petition, you proposed a Special Exposure Cohort (SEC) cohort class at Westinghouse Nuclear Fuels Division (WNFD) to include:

All electricians and mechanics who worked in the Nuclear Fuels Division or Building 7 at the Westinghouse Nuclear Fuels Division in Cheswick, Pennsylvania during the covered period from January 1, 1971 through December 31, 1979.

In your initial Form B petition, you submitted a letter stating your position that you wore no monitoring devices and submitted no urine samples or underwent a full-body count.

We held a consultation call with you to discuss your petition deficiencies, and resolved one of the three deficiencies during that call. Your response to our letter documenting our call included two additional supporting affidavits related to the remaining petition deficiencies.

Below is a detailed summary of the points discussed with you and the NIOSH responses.

(E.5) The existence of one or more unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents.

Petition statement/position

During the December 28, 2011 Consultation Call, you confirmed that we may disregard basis E.5 as a basis for this petition as you did not have any first-hand knowledge of any incidents meeting the definition.

NIOSH response

NIOSH reviewed the information provided, as well as information available in the Site Research Database (SRDB), and did not find any indication of an exposure incident that meets the criteria of E.5. Therefore, NIOSH concludes that no information identified in your petition indicates the presence of any incidents that were unmonitored, unrecorded, or inadequately monitored.

(F.1) Radiation exposures and radiation doses potentially incurred by members of the proposed class were not monitored either through personal monitoring or through area monitoring.

### Petition statement/position

In a notarized affidavit, you stated:

*During these periods of time we wore no monitoring devices, no training, no urine tests or body checks.*

### NIOSH response

NIOSH has reviewed the available information against your petition basis, and notes the following based on its review:

The Cheswick site included other Westinghouse divisions in addition to WNFD. There was a clear physical separation of the divisions by building or room work location. It is assumed that certain employees would have worked within only one facility or division while others would have worked at several, or potentially all locations. It should be noted that at the Cheswick site, there was a single radiological support entity for all the Westinghouse divisions and all employees. This provided a consistent and inclusive program for the entire site, regardless of the employees' location.

NIOSH has documents from Westinghouse's Cheswick site that include records of internal and external dosimetry, workplace radiological survey and air monitoring results for areas and for individuals, calibration data for monitoring equipment, and other workplace documentation (all available in NIOSH's Site Research Database (SRDB)). The documents are linked to workers by name and in many cases by job function, title, and/or work location. While the analysis of the documents is not yet complete, to date NIOSH has acquired well over 20,000 pages of internal and external dosimetry data for more than 1,500 individuals who worked at the Cheswick site. These documents cover several years, including the period January 1, 1971 through December 31, 1972.

The dosimetry data are derived from employees from all facilities at the Cheswick site, including WNFD, which contained radioactive materials and had the potential for exposure to radiation. There are data in these records for many job classifications, including but not limited to: management, foremen, engineers, machine operators, technicians, machinists, welders, maintenance workers, maintenance supervisors, and janitors. Based on NIOSH's review of the available data, there are no obvious gaps in exposure data evident at this time.

All radioactive materials at the Cheswick site were managed under licenses obtained through the Atomic Energy Commission (AEC) during the period of interest. NIOSH has obtained AEC inspection reports for inspections that occurred at least annually during the years 1971 and 1972. These inspections focused on the WNFD licensed materials. In some of these reports, notably the March 22-25, 1971 inspection report, are statements that the inspectors reviewed the radiation monitoring program and the employees' exposure data. This not

only confirms the existence of the monitoring program but also independently validates the level of its adequacy.

Petition statement/position

In a notarized affidavit, you also stated:

*We were unaware of any Thorium monitoring that was taken [sic] place in Bldg 7 or Nuclear Fuels Division (NFD) during the eligible years.*

NIOSH response

25 kg of thoria (ThO<sub>2</sub>) was received in early 1941 and was to be stored in a vault until such time that any experimental procedures for thoria experiments had been reviewed. To date, NIOSH has found no documentation suggesting that the received thorium was used during the covered operational period for this facility.

NIOSH has documentation indicating that thorium was used by the Advanced Reactors Division in 1969 and again in 1978, with both thorium-handling time periods occurring outside the covered Atomic Weapons Employer (AWE) period extending from January 1, 1971 – December 31, 1972. NIOSH has found no indication that thorium was handled during the covered AWE period extending from January 1, 1971 – December 31, 1972 at this facility.

Based on NIOSH's review and assessment of all of the information provided for Westinghouse Nuclear Fuels Division to date, NIOSH concludes that the statements supplied with and for this petition are not corroborated by the available radiological program or monitoring data, or the thorium operations information available to NIOSH. Therefore NIOSH finds that there is insufficient support of the basis Item F.1 for this petition.

(F.2) I/we have attached either documents or statements provided by affidavit that indicate radiation monitoring records for members of the proposed class have been lost, falsified or destroyed; or that there is no information regarding monitoring, source term, or process from the site where he employees worked.

Petition statement/position

In support of this basis, you have made the following statement:

*We have no access to records to validate our data. Either lost & refused by company is [sic] the records of dosages of radioactive contamination.*

In the statement attached to the petition application, you stated:

*Since there are no complete records that were either lost, or incomplete that has an accurate account of our exposure to radioactivity. These records were requested by our people and were denied without any given reason.*

In the affidavits provided following the consultation call, you stated:  
*No records are available to use upon request, we feel that they were either lost or destroyed or altered.*

### NIOSH response

These statements do not meet the affidavit requirements of being based on the first-hand experience or knowledge of the petitioner. As discussed during the consultation telephone call, the provision of any evidence, including affidavits, is not in and of itself sufficient to confirm the facts presented by these affidavits or other evidence. As such, NIOSH will consider the adequacy and credibility of any evidence presented during its review of the available information to determine if there is documented support of this basis item.

As described in the NIOSH response to petition basis F.1, NIOSH has access to individual monitoring and area monitoring records for the time period under consideration.

NIOSH reviewed the available information and documentation in the SRDB and has found no evidence to substantiate the assertion that any radiation monitoring records were lost, falsified, or destroyed or that there is no information regarding monitoring, source, source term, or process from the site where the employee worked.

Based on NIOSH's review and assessment of all of the information provided for Westinghouse Nuclear Fuels Division to date, NIOSH concludes that the documents and statements supplied with and for this petition are not corroborated by the available radiological program or monitoring data, or the thorium operations information available to NIOSH. Therefore NIOSH finds that there is insufficient support of the basis Item F.2 for this petition.

Based on the information you have provided and documentation available to NIOSH, NIOSH finds that there is no support for the petition bases. The petition does not demonstrate that:

- (1) There exist one or more unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents;
- (2) Exposures and radiation doses potentially incurred by members of the proposed class were not monitored, either through personal monitoring or through area monitoring; or
- (3) Radiation monitoring records were lost, falsified, or destroyed; or that there is no information regarding monitoring, source, source term, or process from the site where the employees worked.
- (4) Any reports attached to the petition from a health physicist or other individual with expertise in radiation dose reconstruction documents the limitations of existing DOE records on radiation exposures at Hanford, which would specify the basis for believing these documented limitations might prevent the completion of

dose reconstructions for members of the class under 42 CFR Part 82 and related NIOSH technical implementation guidelines.

- (5) Any scientific or technical reports attached to the petition, issued by a government agency of the Executive Branch of Government or the General Accounting Office, the Nuclear Regulatory Commission, or the Defense Nuclear Safety Board, or published in a peer-reviewed journal identifies dosimetry and related information, that are unavailable (due to either lack of monitoring or the destruction or loss of records) for estimating the radiation doses of employees covered by the petition.

Therefore, pursuant to 42 C.F.R. § 83.11(b), we are hereby notifying you of NIOSH's proposed finding that the SEC00197 proposed worker class of: all electricians and mechanics who worked in the Nuclear Fuels Division or Building 7 at the Westinghouse Nuclear Fuels Division in Cheswick, Pennsylvania during the covered period from January 1, 1971 through December 31, 1979 (including an AWE period from January 1, 1971 through December 31, 1972, and a residual radiation period from January 1, 1973 through December 31, 1979) fails to meet the specified requirements needed to qualify for evaluation.



National Institute for Occupational  
Safety and Health  
Robert A. Taft Laboratories  
4676 Columbia Parkway  
Cincinnati, OH 45226-1998  
Phone: 877-222-7570  
Fax: 513-533-6826

February 28, 2013

SEC Tracking Number: SEC00209

(b)(6)

I am writing to let you know that we must close the Special Exposure Cohort (SEC) petition you sent to us. Your petition must be closed because Grumman Aerospace Facilities in Calverton, NY is not designated as a Department of Energy (DOE) or Atomic Weapons Employer facility under the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA). Therefore, by law, we cannot process your petition. However, we will forward the documents you sent to us to DOE.

You can visit the following Web links for more information.

- List of facilities covered under EEOICPA:  
<http://www.hss.energy.gov/HealthSafety/fwsp/advocacy/faclist/findfacility.cfm>
- Additional information about the SEC:  
<http://www.cdc.gov/niosh/ocas/ocassecc.html>

We assigned your petition a tracking number (SEC00209) to help us better address any questions about your petition. If you have questions, please contact NIOSH's SEC Petition Counselor, Josh Kinman, at 1-513-533-6831. You can also contact him toll-free at 1-877-222-7570 or by email at [dcas@cdc.gov](mailto:dcas@cdc.gov).

Sincerely,

A handwritten signature in black ink that reads "Stuart L. Hinnefeld".

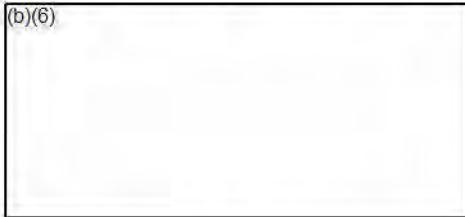
Stuart L. Hinnefeld, Director  
Division of Compensation Analysis and Support  
National Institute for Occupational Safety and Health



National Institute for Occupational  
Safety and Health  
Robert A. Taft Laboratories  
4676 Columbia Parkway  
Cincinnati, OH 45226-1998  
Phone: 877-222-7570  
Fax: 513-533-6826

July 15, 2013

SEC Tracking Number: SEC00211



I am writing to let you know that your Special Exposure Cohort (SEC) petition for K-25 (SEC00211) did not meet the requirements to qualify for evaluation (see SEC Final Rule 42 C.F.R Part 83.7-83.9).

Enclosed is a summary of the points discussed with you and the NIOSH responses (see enclosure).

If you would like to request a review of this finding, you must do so within 30 calendar days of receiving this letter. Your request must:

1. Be in writing and sent to the address given below.
2. State why you believe our finding should be reversed based on the information you submitted with your petition.

Your request for review must not include new information. If you have new information about your petition and send it within this 30-day period, NIOSH will consider it as a revision of the original petition.

Unless your petition is reviewed under the above conditions, the finding that your petition fails to qualify for evaluation will become effective 31 calendar days after the date of this letter.

Please include your NIOSH SEC Tracking Number (SEC00211) on all correspondence, which should be addressed to:

SEC00211  
Division of Compensation Analysis and Support  
NIOSH MS-C-47  
4676 Columbia Parkway  
Cincinnati, Ohio 45226

If you have any questions regarding your petition, please feel free to contact the NIOSH SEC petition counselor, Josh Kinman. Mr. Kinman can be contacted directly at 513-533-6831 or toll-free at 1-877-222-7570. You can also contact him by email at <dcas@cdc.gov>.

Sincerely,

A handwritten signature in cursive script, reading "Stuart L. Hinnefeld".

Stuart L. Hinnefeld, Director  
Division of Compensation Analysis and Support  
National Institute for Occupational Safety and Health

Enclosure

Enclosure:

In this enclosure we include the results of our review of your petition and all associated supporting documentation and our responses to the petition qualification bases you presented. We have considered all of the materials you have provided regarding your petition, and offer the following facts in support of our proposed finding concerning your petition:

In your initial petition, you proposed a Special Exposure Cohort (SEC) class at the K-25 site to include:

All employees who worked as janitors, laborers, laundry service workers, maintenance, and decontamination workers at K-25, K-27, K-29, K-33, K-1007, K-1035, K-1037, K-1131, K-1401, K-1410, K-1420, power plant, trailers, laundry and vaults at the K-25 Gaseous Diffusion Plant in East Tennessee Technology Park, Oak Ridge, Tennessee from February 2, 1992 through December 31, 1997.

In your initial Form B petition, you submitted a signed and notarized affidavit, as well as excerpts from the below documents to support your position that there were unmonitored or inadequately monitored radiation exposures and doses at K-25 during the period in your proposed worker class definition.

1. Independent Investigation of the East Tennessee Technology Park, USDOE, October 2000
2. Technical Basis Document for the K-25 Site - Site Description, ORAUT -TKBS-0009-2, NIOSH, January 12,2004
3. K-25 Gaseous Diffusion Plant - Occupational Internal Dose, ORAUT-TKBS-0009-5, NIOSH, October 4, 2006
4. Finding Aids, Oak Ridge Gaseous Diffusion Plant, Quarterly Reports, 1970-1975, Summary, USDOE
5. DOE Oak Ridge Environmental Management Program East Tennessee Technology Park, July 2009

As part of our review of your petition, we held a consultation call with you to discuss your petition. We also reviewed the K-25 documents from our Site Research Database (SRDB), to determine whether any petition basis supports the statutory requirements. Below is a detailed summary of the points discussed with you and the NIOSH responses.

(F.1) Radiation exposures and radiation doses potentially incurred by members of the proposed class were not monitored either through personal monitoring or through area monitoring.

Petition statement/position

In a notarized affidavit, you referenced several documents stating:

*I refer you to K-25 Site Description, ORAUT-TKBS-0009-2, which further supports my statements that neptunium-237, americium-241, plutonium-239 (and 238), and technetium-99 were present at K-25 and these this (sic) report says neptunium and technetium were significant.*

*The document Finding Aids, Oak Ridge Gaseous Diffusion Plant, Quarterly Reports, 1970-1975 mentions an area contaminated by storage of cesium wastes received from Oak Ridge and Hanford.*

### NIOSH response

The radiological hazards and residual contamination associated with the processing of recycled uranium at the K-25 plant were known and characterized as indicated in documents available to NIOSH. K-25 plant personnel maintained procedures for tracking and surveying contamination at the site. Although personnel disposed of Cs-137 in certain areas on the K-25 site, air monitoring results indicate that the isotope was rarely detected at the site. There is no evidence of Cs-137 in the source term at K-25 nor of occupational intakes of Cs-137 among workers; therefore, the ORAUT Technical Basis Document for EEOICPA dose reconstruction delineate that "no dose or record should be associated with these measurement results". The insignificance of Cs-137 is further supported by the Assessment of Accessible Contamination at the K-25 Site, Phase 3 Report.

### Petition statement/position

In a notarized affidavit, you also stated:

*As far as monitoring, I can find no monitoring for technetium in my record received from DOE. I was monitored for americium and neptunium in 1993 (only) but the independent investigation document says on page 4 and on page 66 that the whole body counter used for K-25 was useful for detecting uranium only.*

*K-25 Gaseous Diffusion Plant – Occupational Internal Dose, ORAUT-TKBS-0009-5 says on page 14 that no monitoring for neptunium was performed after 1991. It says on the same page that whole body counts after 1991 were done using a Helgesson (sic) counter for uranium only. There is a slight discrepancy. This report says counting for neptunium stopped in 1991. I appear to have been counted in 1993 but it is clear that no monitoring was performed after 1993 and, according to the DOE independent investigation that any neptunium monitoring at K25 (sic) in that time frame was of question. I was not monitored for technetium at all. K-25 Gaseous Diffusion Plant – Occupational Internal dose, ORAUT-TKBS-0090-5 gives conversion factors for transuranics based on measured uranium. However, based on information presented in the Independent Investigation of the East Tennessee Technology Park document and that decontamination was conducted during*

*the proposed class period, I say those conversion factors may not represent our true exposures.*

*The document Finding Aids, Oak Ridge Gaseous Diffusion Plant, Quarterly Reports, 1970-1975 mentions an area contaminated by storage of cesium wastes received from Oak Ridge and Hanford. I do not believe I was ever monitored for cesium.*

*Congress acknowledged in the Energy Employee Occupational Illness Compensation Program Act that radiation doses could not be reconstructed for workers at K-25 through February 1, 1992. However, the radiation hazards present at K-25 up to February 1, 1992 did not vanish on February 2, 1992. If anything, exposures may have increased after that date with all of the decontamination activities conducted at the site. I have demonstrated with stated and attached evidence that exposures to neptunium, plutonium, americium and technetium were not monitored or properly monitored. The conversion factors given in ORAUT-TKBS-0009-5 may not be representative of true exposures received by workers in my proposed class.*

*Therefore, I, [-redacted-] do state in this affidavit that exposures to neptunium-237, technetium-99, cesium-137, plutonium-239 and americium-241 received during cleanup and decontamination operations at the K-25 site by workers in the proposed class were not monitored.*

#### NIOSH response

We have reviewed your claim that radiation exposures and radiation doses potentially incurred by members of the proposed class were not monitored, either through personal monitoring or through area monitoring. We conclude that you were not monitored during all portions of the entire requested time period; however, statutory regulations during the time under consideration did not require monitoring for all individuals.

**NOTE:** We have determined that not all employees were monitored during all years at K-25. However, we believe that not all employees were required to be monitored per regulatory requirements at the time. Specifically, workers whose had radiological restrictions or who didn't have potential to receive a CEDE of 100 mrem may have not been routinely monitored.

Health Physics procedures documented that the site recognized that monitoring for radionuclides other than uranium may need to be performed on occasion. In looking at NOCTS case files, it is evident that In-Vivo chest counts for transuranics were performed past 1991 as they are often found in dosimetry records for radiological workers through 1994. Health Physics procedure HP-4.15 "Chest Counter Bioassay" worked in concert with other Health Physic Procedures to identify the Action Levels when In-Vivo Bioassays exceed

threshold levels for U-235, U-238, Np-237 and Am-241. Procedure Hp-4.17, Calculation of Internal Dose for Exposure History Reports identified dose conversion factors to calculate both the annual and 50 year committed dose for uranium isotopes, Tc-99, Np-237, Am-241, and plutonium isotopes.

Workplace Airborne Radioactivity monitoring procedure, HP-2.03, provides applicable limits for airborne radioactivity for area classification. This procedure also provides the derived air concentrations (DACs) and actions necessary for controls and monitoring of uranium, transuranics, and the fission product Tc-99. In addition, this procedure provided direction when radionuclide mixtures are present and identified the use of a modified DAC for mixtures of radionuclides. Additional procedures were in place to post the radiological areas and control work using Radiation Work Permits (RWPs).

The routine In-Vitro Bioassay Procedure, September 1991, states that the workers who spend at least 20% of their working time in regulated areas or enter contaminated areas, high contamination areas, airborne areas, or radiological respiratory areas are required to participate in the routine in-vitro bioassay program. The routine In-Vivo Bioassay Procedure, October 1991, states that the workers who spend 20% or more working in any radiological area "shall undergo in-vivo bioassay on a routine basis."

The Oak Ridge K-25 Site Health Physics Quarterly Reports from the first through the fourth quarter of 1993 and the first quarter of 1994 have been located, which represent the types of monitoring performed at the site during your requested time period. The Quarterly Reports state in the Personnel Dosimetry section that, per NCRP recommendation, all on-site K-25 employees are initially assigned a dosimeter which is monitored on at least quarterly basis. Employees are categorized as occupational workers and either as (1) radiation workers or (2) non-radiation workers. A radiation worker is an occupational worker whose job assignment requires work on, with, or in the proximity of radiation-producing machines or radioactive materials and/or who has the potential of being routinely exposed above 0.1 rem per year. Consequently, a non-radiation worker is an individual who does not have the potential of receiving an annual effective dose equivalent of 100 mrem per year.

Based on our review of the 1993 Quarterly Reports, of the thousands of measurements and samples represented in the reports, there were 8 measurements and results above Initial Action Level (IAL). Of the 8 measurements, only 4 were identified as levels resulting from K-25 operations.

The K-25 Site Radiological Control Program Manual (Rad Con Manual), December 1994, provides a description of the radiation control program in effect at K-25, which was a product of the implementation of 10 CFR pt. 835 and consolidated the program requirements that were previously covered over multiple site procedures. The manual provides descriptions of workplace monitoring and surveillance activities required by the regulations. The manual

lays out the requirements for routine monitoring for area surveillance and monitoring, including the nature, the frequency and the extent of routine exposures and contamination surveys.

As indicated in site procedure HP-405, issued in September of 1991, as well as other pertinent radiological program documents, workers were required to participate in the *in-vivo* bioassay program if their job responsibilities required them to enter a contamination area, high contamination area, airborne radioactivity area, or respiratory area and had the possibility of exceeding a dose of 100 mrem for a year. The site Technical Basis Document for Internal Dosimetry, issued in September 1995, states that routine bioassay monitoring is performed for radiological workers exposed to surface or airborne radioactive contamination where the worker is likely to receive 100 mrem committed effective dose equivalent from all occupational intakes of radionuclides during a year. The document specifically states that, "air monitoring and bioassay programs are not required for workers with no potential for exposure to radioactive materials. In general, if radioactive material is not processed or stored in a facility, then the workers are assumed to have no potential for exposure in that facility."

The 1995 Internal Dosimetry Technical Basis Document (TBD) also notes requirements for Radiological Work Permits (RWPs). RWPs are used to control access to radiological areas by specifying dress requirements for the job, respiratory protection requirements, dosimetry requirements, and work restrictions. RWPs were closed when they no longer applied or an area was cleared of any radiological restrictions. Workers unable to wear respirators would not have been allowed into the airborne areas. The K-25 site RWP system was considered to be the primary mechanism for determining worker participation in the routine internal exposure monitoring program.

The site Internal Dosimetry TBD and Air Monitoring TBD characterizes the exposure potential for the work areas. In general, the material of concern was  $\text{UO}_2\text{F}_2$ , but also included Tc-99, Np-237, Am-241, Pu-238, Pu-239/240, and uranium. As previously noted, the Air Monitoring TBD specifically states that Cs-137 was rarely detected on-site and the Assessment of the Accessible Contamination at the K-25 Site Phase 3 Report-1994 indicated no detectable Cs-137 above the MDA.

Regarding the availability of monitoring data at K-25 during the time period from 1/1/92 – 1/1/96, we have identified available internal monitoring data in the REMS Historical Dosimetry database, and in the NOCTS files, which contain a large amount of Tc-99 urine samples and chest counts for the years 1992-1994. In addition, the Health Physics Quarterly Reports in 1993 show that 4706 chest counts were performed in 1993.

In looking at NOCTS files, internal dosimetry records available are in the form of urinalysis records that were analyzed for uranium, gross alpha, Tc-99, or gross beta. NOCTS also contains records of lung counts for thorium, uranium,

neptunium, plutonium, americium, and actinium. A wide variety of job titles are represented in the NOCTS data set, including janitor, maintenance supervisor, program manager, laborer, and laundry washer.

(F.3) I/we have attached a report from a health physicist or other individual with expertise in radiation dose reconstruction documenting the limitations of existing DOE or AWE records on radiation exposures at the facility, as relevant to the petition. The report specifies the basis for believing these documented limitations might prevent the completion of dose reconstructions for members of the class under 42 CFR Part 82 and related NIOSH technical implementation guidelines.

#### Petition statement/position

In support of this basis, you petitioner provided a copy of “Independent Investigation of the East Tennessee Technology Park, Volume 1: Past Environment, Safety and Health Practices, October 2000” (DSA Document ID 118693).

You called special attention to the following passage: *It is impossible to fully characterize workers' exposure during the 53 years under the investigation because of past inadequate surveys and incomplete records of the work environments for the variety of facilities, activities and hazards present in the large number and types of facilities at the site.*

#### NIOSH response

The report provided outlines about many of the historic work practices for the K-25 site and discussed some of the programmatic shortfalls during the time period covered by the existing SEC class. Within this document, we did not find documentary evidence suggesting limitations of existing DOE or AWE records on radiation exposures at the facility for the time period under consideration. Volume II of the same report covers *current (October 2000)* work practices for the K-25 site.

Volume II of the Independent Investigation report does address some programmatic shortcomings of ETTP safety management, including failure to comply with lockout-tag out procedures and fall hazards. The investigation team examined programmatic and operational radiological control activities across the three prime contractors and their subcontractors at ETTP including Bechtel Jacobs, SEC, BNFL, DRS, IT Corporation, and others. The team also examined a range of radiation work permits (RWPs), procedures, technical basis documents, and dosimetry/bioassay records.

However, discussion of the Radiological Control program did note instances of tardiness of reporting bioassay results, delays in updating procedures and technical basis documents, delay of conducting a DOELAP onsite assessment,

the use of outdated historical information in the pre-job characterization of buildings, and failure to work-restrict employees during follow-up sampling following a positive bioassay result. While the report suggests that bioassay samples collected from DRS subcontract employees were only isotopically analyzed for uranium and technetium, the same section goes on to describe follow-up sampling after the receipt of positive urinalysis results for americium and neptunium.

At no point does the report suggest that records are missing, incomplete, or limited in such a way that they might prevent the completion of dose reconstructions for members of the proposed class.

None of the reports provided documents or suggests limitations of existing DOE or AWE records on radiation exposures at the facility for the time period under consideration. The documents do not specify a basis for believing these documented limitations might prevent the completion of dose reconstructions for members of the proposed class under 42 CFR Part 82.

Based on our review of the documentation and information submitted to support the F.3 basis we have concluded that you failed to support this petition basis.

Based on the information you have provided and documentation available to NIOSH, we find that there is no support for any petition basis. The petition does not demonstrate that:

- (1) There exist one or more unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents;
- (2) Exposures and radiation doses potentially incurred by members of the proposed class were not monitored, either through personal monitoring or through area monitoring; or
- (3) Radiation monitoring records were lost, falsified, or destroyed; or that there is no information regarding monitoring, source, source term, or process from the site where the employees worked.
- (4) Any reports are attached to the petition from a health physicist or other individual with expertise in radiation dose reconstruction documents the limitations of existing DOE records on radiation exposures at Hanford, which would specify the basis for believing these documented limitations might prevent the completion of dose reconstructions for members of the class under 42 CFR Part 82 and related NIOSH technical implementation guidelines.
- (5) Any scientific or technical reports are attached to the petition, issued by a government agency of the Executive Branch of Government or the General Accounting Office, the Nuclear Regulatory Commission, or the Defense Nuclear Safety Board, or published in a peer-reviewed journal identifies dosimetry and related information, that are unavailable (due to either lack of monitoring or the destruction or loss of records) for estimating the radiation doses of employees covered by the petition.

Therefore, pursuant to 42 C.F.R. § 83.11(b), we are hereby notifying you of NIOSH's proposed finding that the SEC00211 proposed worker class of: all employees who worked as janitors, laborers, laundry service workers, maintenance and decontamination workers at K-25, K-27, K-29, K-33, K-1007, K-1035, K-1037, K-1131, K-1401, K-1410, K-1420, power plant, trailers, laundry and vaults at the K-25 Gaseous Diffusion Plant in East Tennessee Technology Park, Oak Ridge, Tennessee from February 2, 1992 through December 31, 1997, fails to meet the specified requirements needed to qualify for evaluation.



National Institute for Occupational  
Safety and Health  
Robert A. Taft Laboratories  
4676 Columbia Parkway  
Cincinnati, OH 45226-1998  
Phone: 877-222-7570  
Fax: 513-533-6826

September 24, 2013

SEC Tracking Number: SEC00212

(b)(6)

I am writing to let you know that your Special Exposure Cohort (SEC) petition for Argonne National Laboratory – East (SEC00212) did not meet the requirements to qualify for evaluation (see SEC Final Rule 42 C.F.R Part 83.7-83.9).

Enclosed is a summary of the points discussed with you and the NIOSH responses (see enclosure).

If you would like to request a review of this finding, you must do so within 30 calendar days of receiving this letter. Your request must:

1. Be in writing and sent to the address given below.
2. State why you believe our finding should be reversed based on the information you submitted with your petition.

Your request for review must not include new information. If you have new information about your petition and send it within this 30-day period, NIOSH will consider it as a revision of the original petition.

Unless your petition is reviewed under the above conditions, the finding that your petition fails to qualify for evaluation will become effective 31 calendar days after the date of this letter.

Please include your NIOSH SEC Tracking Number (SEC00212) on all correspondence, which should be addressed to:

SEC00212  
Division of Compensation Analysis and Support  
NIOSH MS-C-47  
4676 Columbia Parkway  
Cincinnati, Ohio 45226

If you have any questions regarding your petition, please feel free to contact the NIOSH SEC petition counselor, Josh Kinman. Mr. Kinman can be contacted directly at 513-533-6831 or toll-free at 1-877-222-7570. You can also contact him by email at <dcas@cdc.gov>.

Sincerely,

A handwritten signature in black ink that reads "Stuart L. Hinnefeld". The signature is written in a cursive style with a large, prominent "S" at the beginning.

Stuart L. Hinnefeld, Director  
Division of Compensation Analysis and Support  
National Institute for Occupational Safety and Health

Enclosure

Enclosure:

In this enclosure we include the results of our review of your petition and all associated supporting documentation and our responses to the petition qualification bases you presented. We have considered all of the materials you have provided regarding your petition, and offer the following facts in support of our proposed finding concerning your petition:

In your initial petition, you proposed a Special Exposure Cohort (SEC) class at the Argonne National Laboratory – East (ANL-E) site to include:

Iron workers who worked in any area of the Argonne National Laboratory - East, Argonne, IL, from August 1965 through August 1980.

In your initial Form B petition, you submitted a single attached letter and a supporting document, presenting a Chicago Tribune article dated December 17, 1999, to support your position that there were unmonitored or inadequately monitored radiation exposures and inadequately monitored or recorded exposure incidents at ANL-E, during the period in your proposed worker class definition.

As part of our review of your petition, we held a consultation call with you to discuss your petition. We also reviewed the ANL-E documents from our Site Research Database (SRDB) to determine whether any petition basis supports the statutory requirements. Below is a detailed summary of the points discussed with you and the NIOSH responses.

(E.5) One or more unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents.

Petition statement/position

In support of your basis, you described the following events in your attached letter:

*“My father had radiation exposure when he accidentally walked into a room where they were experimenting. He was color blind and did not notice the sign was red. NIOSH has this documented.*

*My father, however, was in the room for a lot longer. I remember him telling my mother he was kneeling near the ground, working, and no one seen [sic] him until “after” the experiment was completed.”*

NIOSH response

NIOSH performed a search of Department of Labor (DOL) and Department of Energy (DOE) files associated with the Energy Employee (EE), as well as the SRDB, for documentation of the events described above, and did not find

associated information. In the consultation call, NIOSH asked you for more details, including the incident date, and asked you to provide NIOSH with the cited incident documentation, if possible. This request for information was presented as a deficiency in the consultation call letter sent to you by NIOSH.

NIOSH has found various incident and unusual occurrence reports in the SRDB for the time period under consideration. Each of these reports lists involved personnel by name, but none mentions the energy employee and none indicates a lack of monitoring.

You replied to the Consultation Call Letter on July 30, 2013 and restated the assertion that NIOSH already has the incident information documented. NIOSH communicated with you and referred you to DOL in an attempt to determine who informed you that NIOSH already possesses the information. In subsequent communications with NIOSH, you stated that you determined that there was confusion during your previous contact with DOL. On August 12, 2013 you contacted NIOSH and indicated that you have no additional information to supply in response to the Consultation Call Letter.

Based on NIOSH's review and assessment of all of the information provided for Argonne National Laboratory – East to date, NIOSH concludes that the documents and statements supplied with the petition are insufficient to support basis item E.5 regarding unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents.

(F.1) Radiation exposures and radiation doses potentially incurred by members of the proposed class were not monitored either through personal monitoring or through area monitoring.

#### Petition statement/position

In support of this basis, you presented the following statement:

*"I believe my father [name redacted] was not monitored or inadequately monitored for Uranium (radiation) exposure at Argonne National Laboratories during August 1965 – August 1980."*

*"My father worked as an iron worker and many times he worked without a dosimeter badge at various sites."*

#### NIOSH response

NIOSH's review of the EE's dose reconstruction report and supporting documentation reveals that the EE was monitored for ionizing radiation during his covered employment period. NIOSH concludes that the EE was not monitored during all portions of the entire petitioner-requested time period; however, statutory regulations during the time under consideration did not require

monitoring for all individuals. By the early 1970s, ANL-E had started to badge workers based on their exposure potentials. After the early 1970s, those who did not work in radiological areas would not have been issued radiation dosimetry badges.

In the 1956 site Radiation Safety Guide, an active area is defined as one in which “radioactive materials are located in such amounts that they constitute a potential personnel hazard or increase the possibility for spread of contamination.” This guide also indicated that active areas were posted and that all individuals entering an active area were required to wear personnel monitoring devices found at the entrance.

Information developed in a 1982 survey for a DOE health and mortality study indicates that early on everyone was badged. By 1965, nearly all employees were still badged. By the early 1970s, the site health physicists assigned badges based on exposure potential. By 1982 it was noted that approximately one-third of the workers were badged.

In the 1973 to 1984 revisions of the site Health and Safety Manual, a radiation area was defined as an area where the dose (equivalent) to an individual in any calendar quarter could exceed 300 mrem, where radioactive materials were stored in quantity, or where equipment producing ionizing radiation was operated. Each person entering a radiation area was required to wear a personal monitoring device.

NIOSH searched the SRDB for personnel monitoring data at Argonne National Laboratory – East and was able to identify both internal and external monitoring data. Based on the research performed by NIOSH for the Argonne National Laboratory - East, employees were monitored using both bioassay and external dosimetry throughout the petitioner proposed class period.

In your petition, you specifically mention knowing that the Energy Employee worked at the Zero Gradient Synchrotron (ZGS). The ZGS was active from 1961 to 1979, spanning a little more than the time period represented by the SEC petition. At the ZGS, most of the activation isotopes would have been confined to the iron and concrete-lined beam halls, so exposure potential for most workers would have been negligible. In general, the generation of loose contaminated material would have been low. The exceptions would have been airborne releases of carbon-11, nitrogen-13, and oxygen-15.

As early as 1952, the scheduling of bioassay was dependent on the amount of radioactive material handled, frequency of exposure, chemical and physical nature of the material, apparent biological dangers of the material, working conditions, recommendations from the supervisors, and other factors.

ANL-E developed a Health and Safety Manual before 1973. That document indicates that industrial safety and health physics policies had previously been

issued through the Laboratory's Policy and Practice Guide. Chapter V-13 of the Health and Safety Manual dated March 1, 1975, describes bioassay procedures. The document notes that urine samples were requested from all new employees, returning employees, and temporary employees with previous occupational exposure. Urine samples were requested from all terminating employees. The document did not exclude employees who did not work in areas with dispersible radionuclides, which indicates that the program likely applied to all employees.

A 1982 dose assessment report indicates that the investigators used the Bioassay Laboratory Routine Sampling Scheduling Criteria (dated 1972) to extract dose information. Scheduling criteria were based on the amount and frequency of radionuclides handled. The schedules ranged from bimonthly to annual. The schedule did not specify the type of bioassay, but most of the routine bioassay measurements during this period were urine analyses.

The monitoring data available to NIOSH have been incorporated into the Argonne National Laboratory Technical Basis Documents: (1) ORAUT-TKBS-0036-6, Argonne National Laboratory – Occupational External Dose; (2) ORAUT-TKBS-0036-3, Argonne National Laboratory – Occupational Medical Dose; (3) ORAUT-TKBS-0036-4, Argonne National Laboratory – Occupational Environmental Dose, and (4) ORAUT-TKBS-0036-5 Argonne National Laboratory – Occupational Internal Dose. NIOSH has determined that there is sufficient information to conclude that personnel and area monitoring data do exist.

Regarding the adequacy of data within the site profile for Argonne National Laboratory – East, S. Cohen and Associates concluded that, "On the whole, the TBDs address the data necessary for assignment of occupational dose, including missed and unmonitored dose, for ANL-E".

The 1999 Chicago Tribune News Article supplied with the petition describes a notice of violation served to Argonne by the Department of Energy that cited such violations as:

- Workers and supervisors clearly disregarding a number of safety rules;
- Workers failing to stop work in light of procedural problems;
- Management failing to notify regulators about specific incidents; and
- Management failure to recognize a pattern of poor safety performance.

In one noted instance, five workers were exposed to radiation while inspecting a stored piece of equipment. This work was not carried out under a radiological work permit, and two of the five individuals failed to wear their dosimeters. The article goes on to note that the levels of exposure to the workers were within allowable limits and were about equivalent to a dental x-ray.

The violations described seem to describe isolated incidents and not a routine failure to monitor employees that had the potential to incur radiation doses. The article also describes incidents that occurred over a decade beyond the time

period under consideration, and are not necessarily representative of the safety culture at the site during the proposed time period.

From the 2006 Chicago Tribune article:

*"Infractions cited by Sohinki included inadequate training and authority for Argonne's nuclear safety officers, poor record keeping and several instances of failing to follow the precise nuclear safety procedures dictated by the department for facilities that handle radioactive materials.*

*In one instance Argonne failed to post required warning signs at the entrance to an area in one building. In another instance several pieces of equipment that could emit ionizing radiation were not properly labeled with warnings."*

The article does not suggest that individuals that should have been monitored were not monitored, nor does the article specifically suggest that monitoring records are missing, destroyed, or otherwise unavailable.

Based on NIOSH's review and assessment of all of the information provided for Argonne National Laboratory – East to date, NIOSH concludes that the documents and statements supplied with the petition are insufficient to support basis item F.1 regarding radiation exposures and radiation doses potentially being unmonitored either through personal monitoring or through area monitoring.

Based on the information you have provided and documentation available to NIOSH, we find that there is no support for any petition basis. The petition does not demonstrate that:

- (1) there exists one or more unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents; or
- (2) exposures and radiation doses potentially incurred by members of the proposed class were not monitored, either through personal monitoring or through area monitoring.

Therefore, pursuant to 42 C.F.R. § 83.11(b), we are hereby notifying you of NIOSH's proposed finding that the SEC00212 proposed worker class of: all Iron workers who worked in any area of the Argonne National Laboratory - East, Argonne, IL, from August 1965 through August 1980, fails to meet the specified requirements needed to qualify for evaluation.



National Institute for Occupational  
Safety and Health  
Robert A. Taft Laboratories  
4676 Columbia Parkway  
Cincinnati, OH 45226-1998  
Phone: 877-222-7570  
Fax: 513-533-6826

December 19, 2013

SEC Tracking Number: SEC00215

(b)(6)

I am writing to let you know that your Special Exposure Cohort (SEC) petition did not qualify for evaluation. Your sister (b)(6) asked us to consider a class that would include "all workers who worked in any area at the Linde Air Products facility at 155 Chandler Street, Buffalo, NY, from January 1, 1945 through December 31, 1947." After we carefully considered her statements and the documents she sent in support of this worker class, we found that she did not provide information to support at least one of the three qualification bases she asked us to consider.

Below is a summary of the three petition bases and the NIOSH findings for each.

1. Your sister claimed that radiation exposures and radiation doses potentially incurred by members of the proposed class were not monitored, either through personal monitoring or through area monitoring. Our research concluded that radiological monitoring was not performed at the Linde Air Products site (Buffalo, NY) because there were no radiological materials on site that required monitoring.
2. Your sister also claimed that radiation monitoring records for the members of your proposed class were lost, falsified, or destroyed or that there is no information regarding monitoring, source, source term, or process from the site where the employees worked. This basis does not support petition qualification because Linde Air Products' site on Chandler St., Buffalo, NY, did not perform radiological work, had little potential for residual radioactive contamination, and was not recommended for a period of potential residual contamination.
3. In the petition, your sister claimed that she submitted a peer-reviewed scientific or technical report to support qualification. The report was not issued by one of the specified government agencies. Also, any report must conclude that

dosimetry and related information are unavailable for estimating the radiation doses of employees covered by the petition. Your sister did not submit a technical report that would support this basis.

Therefore, we are not able to qualify your petition for further evaluation because:

- It did not include information that provided at least one basis for qualification as outlined in the SEC Rule (enclosed); and
- Our research did not find information to support a petition basis.

Your sister may ask for a review of this finding. If she does, it must be within 30 calendar days of receiving this letter.

If she chooses to ask for a review of our finding, your sister must:

1. Make her request in writing
2. Tell us why she believes our finding should be reversed, based on the information she submitted with her petition
3. Send it to the address at the bottom of this letter.

Please remember that an administrative review is based only on the information that is currently part of this petition. Your sister may not send new information as part of a review request. We will consider any new information a new petition. If your sister does not ask for an administrative review, we will close the petition 31 calendar days after the date you receive this letter.

If you write to us, please include your NIOSH SEC Tracking Number (SEC00215) on all correspondence, which should be addressed to:

SEC00215  
Division of Compensation Analysis and Support  
NIOSH MS-C-47  
4676 Columbia Parkway  
Cincinnati, Ohio 45226

If you have any questions regarding your petition, please feel free to contact the NIOSH SEC petition counselor, Josh Kinman. Mr. Kinman can be contacted directly at 513-533-6831 or toll-free at 1-877-222-7570. You can also contact him by email at <dcas@cdc.gov>.

Sincerely,



Stuart L. Hinnefeld, Director  
Division of Compensation Analysis and Support  
National Institute for Occupational Safety and Health

Enclosure



National Institute for Occupational  
Safety and Health  
Robert A. Taft Laboratories  
1090 Tusculum Avenue  
Cincinnati, OH 45226-1938  
Phone: 877-222-7570  
Fax: 513-533-6826

December 16, 2014

SEC Tracking Number: SEC00220



I'm writing to let you know we didn't qualify your Special Exposure Cohort (SEC) petition for evaluation. You didn't give us enough information for at least one basis for qualification. We've enclosed our responses to each of your qualification bases and the SEC Rule.

You can ask for an administrative review of our decision. If you do, it must be within 30 calendar days of receiving this letter. However, you can't send new information as part of an administrative review request. Only the information you sent to us as of the date on this letter will be considered in a possible review. If you don't ask for an administrative review, we must close your petition in 31 calendar days from the date you get this letter. If you choose to ask for a review of our finding, you must: (1) make your request in writing; (2) tell us why you believe our finding should be reversed, based on the information you submitted with your petition; and (3) send it to:

NIOSH  
Division of Compensation Analysis and Support  
SEC-00220 MS C-47  
1090 Tusculum Ave.  
Cincinnati, OH 45226-1938

If you have any questions regarding your petition, please contact Joshua Kinman, NIOSH SEC petition counselor, at 1-877-222-7570. You can also contact him by email at <dcas@cdc.gov>.

Sincerely,

Stuart L. Hinnefeld, Director  
Division of Compensation Analysis and Support  
National Institute for Occupational Safety and Health

Enclosures:

(1) Response to Qualification Bases (2) SEC Rule

## Response to Qualification Bases

You asked use to evaluate a class to include “all workers who worked in any area at the Y-12 Plant in Oak Ridge, Tennessee, from July 28, 1943 through March 31, 1945.” Below is the summary and reasons for our finding not to qualify your petition for evaluation.

You claimed:

1. One or more unmonitored, unrecorded, or inadequately monitored exposure incidents that would have resulted in radiation exposures which may be related to an unexpected failure in control procedures, as opposed to routine operations which might also result in radiation exposures.

NIOSH determined that it has no indication that members of the class were exposed to one or more unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents during the petitioned time period. NIOSH similarly has no indication that members of the class were exposed to radiation during a discrete incident likely to have involved levels of exposure similarly high to those occurring during nuclear criticality incidents, which would potentially alter the 250 work day health endangerment requirement for the existing SEC classes.

2. Radiation exposures potentially incurred by members of the proposed class were not monitored through personal monitoring practices.

In the evaluation of petition SEC-00098, NIOSH determined that it lacks the internal dosimetry data necessary to reconstruct the internal exposures from uranium enrichment and other radiological activities. In addition, NIOSH lacks external dosimetry or source term information regarding the external exposures resulting from other radiological activities at the facility during this time period. However, because a class of employees has already been added to the SEC for this facility and this time period, any information submitted to support this petition basis would need to present substantially new information that has not already been considered by NIOSH and would need to indicate the presence of a discrete incident likely to have involved exceptionally high level exposures, such as a nuclear criticality incident. You did not provide information that would support this basis. Our research did not find information to support a petition basis, and the Secretary of the Department of Health and Human Services already added a class of employees for this facility during the time period you asked us to review. You can see the relevant information about SEC-00098 and a class already on our website at <<http://www.cdc.gov/niosh/ocas/y12.html#sec>>.

3. Radiation monitoring records for members of the proposed class have been lost, falsified, or destroyed; or there is no information regarding monitoring, source, source term, or process from the site.

None of the information you provided supports this basis.



National Institute for Occupational  
Safety and Health  
Robert A. Taft Laboratories  
1090 Tusculum Ave.  
Cincinnati, OH 45226-1938  
Phone: 877-222-7570  
Fax: 513-533-6826

March 31, 2015

SEC Tracking Number: SEC00222

(b)(6)

I am writing to let you know that your Special Exposure Cohort (SEC) petition did not qualify for evaluation. You asked us to consider a class that would include "field site workers and completion report workers who worked in any area at the Grand Junction Facilities site in Grand Junction, Colorado during the period from January 1, 1986 through December 31, 1990." After we carefully considered your statements and the documents you sent in support of this worker class, we found that you did not provide information to support at least one of the two qualification bases you asked us to consider.

Below is a summary of your two petition bases and the NIOSH findings for each.

1. You claimed that there exists one or more unmonitored, unrecorded, or inadequately monitored exposure incidents that would have resulted in radiation exposures which may be related to an unexpected failure in control procedures, as opposed to routine operations which might also result in radiation exposures. NIOSH has determined that it has no indication that members of the class were exposed to one or more unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents during the petitioned time period. During our telephone conversation on November 17, 2014, you indicated that you know of no catastrophic release, and that you experienced a series of exposures. You expressed your desire for NIOSH to consider information that you supplied as evidence for a separate basis that radiation exposures potentially incurred by members of the proposed class were not monitored through personal monitoring practices.
2. You claimed that radiation exposures potentially incurred by members of the proposed class were not monitored through personal monitoring practices. In a previous evaluation (of Petition SEC-00175), NIOSH has already considered exposures at the Grand Junction Facilities site during the period from March 23, 1943 through July 31, 2010. You also supplied information indicating the potential for radiological exposure while performing intermittent work at the nearby Walker Field airport calibration facility. NIOSH has determined that the Walker Field calibration facility is off-site and therefore cannot be considered part of the Grand Junction Facilities site. NIOSH will transmit evidence of

possible DOE work conducted that the Walker Field to the Department of Labor for further consideration.

Because a class of employees has already been considered for inclusion in the SEC for this facility and this time period, any information submitted to support this petition basis would need to present substantially new information that has not already been considered by NIOSH. You did not provide information that would support this basis beyond that already considered by NIOSH for SEC-00175.

Therefore, we are not able to qualify your petition for further evaluation because you:

- Did not include information that provided at least one basis for qualification as outlined in the SEC Rule (enclosed); and
- Our research did not find substantially new information to support a petition basis beyond that already considered by NIOSH.

You may ask for a review of this finding. If you do, it must be within 30 calendar days of receiving this letter. If you choose to ask for a review of our finding, you must:

1. Make your request in writing
2. Tell us why you believe our finding should be reversed, based on the information you submitted with your petition
3. Send it to the address at the bottom of this letter.

Please remember that an administrative review is based on only the information that is currently part of this petition. You may not send new information as part of a review request. We will consider any new information a new petition. If you do not ask for an administrative review, we will close your petition 31 calendar days after the date you receive this letter.

Please include your NIOSH SEC Tracking Number (SEC00222) on all correspondence, which should be addressed to:

NIOSH/Division of Compensation Analysis and Support  
1090 Tusculum Avenue  
MS C-47  
Cincinnati, Ohio 45226-1938

If you have any questions regarding your petition, please feel free to contact the NIOSH SEC petition counselor, Joshua Kinman. Mr. Kinman can be contacted directly at 513-533-6831 or toll-free at 1-877-222-7570. You can also contact him by email at [dcas@cdc.gov](mailto:dcas@cdc.gov).

Sincerely,



Stuart L. Hinnefeld, Director  
Division of Compensation Analysis and Support  
National Institute for Occupational Safety and Health

Enclosure



National Institute for Occupational  
Safety and Health  
Robert A. Taft Laboratories  
1090 Tusculum Ave.  
Cincinnati, OH 45226-1938  
Phone: 877-222-7570  
Fax: 513-533-6826

October 5, 2015

SEC Tracking Number: SEC00227

(b)(6)

I am writing to let you know that your revised Special Exposure Cohort (SEC) petition, which includes the new information you provided in your rebuttal letter dated August 3, 2015, did not qualify for evaluation. You asked us to consider a class that would include "all workers who worked in any area at the Rocky Flats Plant in Golden, CO, during the period from January 1, 1984 through October 13, 2005." After we carefully considered your statements and the documents you sent in support of this worker class, we found that you did not provide information to support at least one of the four qualification bases you asked us to consider.

Below is a summary of your four petition bases and the NIOSH findings for each.

1. You claimed that one or more unmonitored, unrecorded, or inadequately monitored exposure incidents exists that would have resulted in radiation exposures to the proposed worker class. Based on the review of the supporting documentation provided by you in support of the SEC00227-RFP petition, there is no information relating to or supporting the inclusion of incidents as part of the basis for the petition. The definition of incidents, for the purpose of including incidents as part of the petition basis, was discussed in the consultation call with you. We have been in the process of an ongoing review and assessment of the SEC00030-RFP and SEC00192-RFP evaluation reports, and have noted that the incident basis was not supported as part of those petition evaluations. Based on the assessment of all information relating to incidents at RFP, we fail to find any existing or new information to support the incident basis item for the SEC00227-RFP petition.
2. You claimed that radiation exposures and radiation doses potentially incurred by members of the proposed class that relate to this petition were not monitored, either through personal monitoring or through area monitoring, that radiation

monitoring records for members of the proposed class have been lost, falsified, or destroyed or that there is no information regarding monitoring, source, source term or process information at RFP. Your issues regarding personnel dosimeters, administrative practices, glovebox work, and related dosimeter geometry issues have been addressed in previous assessments and RFP petition evaluations (SEC00030 and SEC00192; also addressed in the RFP Site Profile Document). We have performed an extensive assessment of the radiological programs at RFP, as part of the SEC00192-RFP petition evaluation, that are applicable to the time-period for this SEC00227 petition. As part of our post-1983 assessment, we developed a NIOSH position white paper that discusses the findings of its research on the topic of data falsification and data invalidation and worker allegations and issues relating to the 1989 RFP FBI raid. The research included assessing the same documentation and issues presented in the SEC00227-RFP petition and associated supporting documentation. The conclusion of the SEC00192-RFP post-1983 research was that we found there was no issue associated with the FBI raid, or issues relating to data falsification or invalidation that affect the post-1983 personnel monitoring data and thus preclude individual dose reconstructions with sufficient accuracy under EEOICPA. We therefore find that the SEC00227-RFP petition and associated rebuttal letter does not provide new or unassessed information to support the unmonitored personnel, or lost, falsified, or destroyed monitoring data petition bases.

3. You provided information that you claimed to be a scientific or technical report, issued by a government agency of the Executive Branch of Government or the General Accounting Office, the Nuclear Regulatory Commission, or the Defense Nuclear Facilities Safety Board, or published in a peer-reviewed journal that identifies dosimetry and related information that are unavailable (due to either a lack of monitoring or the destruction or loss of records) for estimating the radiation doses of energy employees covered by your petition. The information you provided included a Federal District Court document and two GAO reports, which we already had access to in our NIOSH Site Research Database. As previously noted, our post-1983 RFP assessments that have included the review of information in these documents, do not find support that dosimetry and related information are unavailable (due to either a lack of monitoring or the destruction or loss of records) to support estimating the radiation doses of energy employees covered by the SEC00227-RFP petition. We therefore find that the SEC00227-RFP petition does not provide new or unassessed information to support this basis item.

Therefore, we are not able to qualify your petition for further evaluation because you:

- Did not include information that provided at least one basis for qualification as outlined in the SEC Rule (enclosed); and
- Our research did not find substantially new information to support a petition basis beyond that already considered by NIOSH.

You may ask for a review of this finding. If you do, it must be within 30 calendar days of receiving this letter. If you choose to ask for a review of our finding, you must:

1. Make your request in writing
2. Tell us why you believe our finding should be reversed, based on the information you submitted with your petition
3. Send it to the address at the bottom of this letter.

Please remember that an administrative review is based on only the information that is currently part of this petition. You may not send new information as part of a review request. We will consider any new information as a revision of the petition. If you do not ask for an administrative review, we will close your petition 31 calendar days after the date you receive this letter.

Please include your NIOSH SEC Tracking Number (SEC00227) on all correspondence, which should be addressed to:

NIOSH/Division of Compensation Analysis and Support  
1090 Tusculum Avenue  
MS C-47  
Cincinnati, Ohio 45226-1938

If you have any questions regarding your petition, please feel free to contact the NIOSH SEC petition counselor, Josh Kinman. Mr. Kinman can be contacted directly at 513-533-6831 or toll-free at 1-877-222-7570. You can also contact him by email at <dcas@cdc.gov>.

Sincerely,



Stuart L. Hinnefeld, Director  
Division of Compensation Analysis and Support  
National Institute for Occupational Safety and Health

Enclosure



National Institute for Occupational  
Safety and Health  
Robert A. Taft Laboratories  
1090 Tusculum Ave.  
Cincinnati, OH 45226-1938  
Phone: 877-222-7570  
Fax: 513-533-6826

August 2, 2016

SEC Tracking Number: SEC-00228

(b)(6)

I am writing to let you know that your Special Exposure Cohort (SEC) petition, which includes information you provided during a secure interview on February 9, 2016, did not qualify for evaluation. You asked us to consider a class that would include "machinists who worked in machine shop areas of 9215 M-wing, 9201-5N, 9201-5W, 9212 A-wing, 9212 E-wing, F-Area, H-2 Machine shop, and 9201-1, during the period from January 1, 1962 through December 31, 1991." After we carefully considered your statements and the documents you sent in support of this worker class, we found that you did not provide information to support the qualification bases you asked us to consider.

Below is a summary of your petition bases and the NIOSH findings.

- Your petition claimed that radiation exposures and radiation doses potentially incurred by members of the proposed class were not monitored, either through personal monitoring or through area monitoring (F.1 basis). You denoted that your basis for the petition is rooted in the site practice requiring uranium machinists to take work-breaks at their machines and therefore to eat and drink in uranium work areas. You further stated that the working conditions for uranium machinists included: no anti-contamination clothing prior to 1991; coffee pots in the work areas; inadequate contamination control practices; uranium oxide contamination on gloves, clothing and machines; common shoe contaminations from imbedded uranium chips; and uranium chip fires on the lathes and in the ventilation ductwork.
- Although you support the case that unnecessary intakes may have occurred due to inadequate radiological controls and/or protective equipment, based on our review of available documents, we have determined that members of the proposed class were routinely included in the internal and external radiation dose monitoring programs. The Y-12 site routinely used urine bioassay to assess uranium intakes since very early site operations, and routine *in vivo* chest counting began at Y-12 in 1961. In our February 9, 2016 interview, you indicated that: urine samples were performed during the period when workers were forced to eat and drink at their machines (around 1985); you were included in the annual whole body counting program; you were included in the quarterly urine bioassay program; and you were included in a special event-driven whole body

counting program following a hand contamination event. After considering available information, we have determined that members of the proposed class were routinely monitored for internal and external radiation dose.

- Your petition further claimed that scientific or technical reports provided by you identify dosimetry and related information that are unavailable (due to either a lack of monitoring or the destruction or loss of records) for estimating the radiation doses of energy employees covered by the petition (F.4 basis). Although there are examples of potential contamination control concerns, our examination of the submitted reports finds no evidence of dosimetry and related information that are unavailable due to either a lack of monitoring or the destruction or loss of records. NIOSH finds indications that the members of the proposed class were routinely included in the internal and external radiation dose monitoring programs during the work activities in question, and that sufficient internal and external monitoring data are available to support dose reconstruction for the proposed machinist worker class.

Therefore, we are not able to qualify your petition for further evaluation because we find no evidence of a lack of monitoring, or of the loss or destruction of records, for the petitioned class of machinists.

You may ask for a review of this finding. If you do, it must be within 30 calendar days of receiving this letter. If you choose to ask for a review of our finding, you must:

1. Make your request in writing
2. Tell us why you believe our finding should be reversed, based on the information you submitted with your petition
3. Send it to the address at the bottom of this letter.

Please remember that an administrative review is based on only the information that is currently part of this petition. You may not send new information as part of a review request. We will consider any new information as a revision of the petition. If you do not ask for an administrative review, we will close your petition 31 calendar days after the date you receive this letter.

Please include your NIOSH SEC Tracking Number (SEC00228) on all correspondence, which should be addressed to:

NIOSH/Division of Compensation Analysis and Support  
1090 Tusculum Avenue  
MS C-47  
Cincinnati, Ohio 45226-1938

If you have any questions regarding your petition, please feel free to contact the NIOSH SEC petition counselor, Joshua Kinman. Mr. Kinman can be contacted directly at 513-533-6831 or toll-free at 1-877-222-7570. You can also contact him by email at [jkinman@cdc.gov](mailto:jkinman@cdc.gov).

Sincerely,



Stuart L. Hinnefeld, Director  
Division of Compensation Analysis and Support  
National Institute for Occupational Safety and Health

Enclosure



National Institute for Occupational  
Safety and Health  
Robert A. Taft Laboratories  
1090 Tusculum Ave.  
Cincinnati, OH 45226-1938  
Phone: 877-222-7570  
Fax: 513-533-6826

September 12, 2016

SEC Tracking Number: SEC00231

(b)(6)

I am writing to let you know that your revised Special Exposure Cohort (SEC) petition, which includes 28 documents and affidavits you provided on July 21, 2016, did not qualify for evaluation. You asked us to consider a class that would include "all workers who worked in any area at the Pinellas Plant in Largo, Florida, during the period from January 1, 1957 through December 22, 1997." After we carefully considered your statements and the documents you sent in support of this worker class, we found that you did not provide information to support the qualification basis you asked us to consider.

Below is a summary of your petition bases and the NIOSH findings.

- Your petition claimed that members of the class were exposed to one or more unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents during the petitioned period. You provided several statements and documents in support of this petition basis. NIOSH reviewed the documents provided by the petitioner, technical basis documents for the Pinellas Plant, and 1,810 Pinellas Plant-related documents in the Site Research Database (SRDB). NIOSH looked for indications of an unmonitored or inadequately monitored incident that would have resulted in radiation exposures, which may be related to an unexpected failure in control procedures, as opposed to routine operations that might also result in radiation exposures.

Based on the current findings of the NIOSH reviews, NIOSH has determined that it has no indication that members of the class were exposed to one or more unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents during the petitioned period. NIOSH similarly has no indication that members of the class were exposed to radiation during a discrete incident likely

to have involved levels of exposure similarly high to those occurring during nuclear criticality incidents.

- Your petition claimed that radiation exposures and radiation doses potentially incurred by members of the proposed class that relate to this petition were not monitored, either through personal monitoring or through area monitoring. NIOSH has total summary and yearly summary internal and external monitoring data for 524 Pinellas Plant employees spanning the years 1957-1980, as well as individual badge and sample data for the majority of those years. In addition, NIOSH has individual monitoring data for each year from 1980 to the end of the petition period.

Based on the current findings of the NIOSH document reviews, and a NIOSH review of monitoring data for a sampling of claimants, there is no information that supports the basis that radiation exposures and radiation doses potentially incurred by members of the proposed class that relate to this petition, were not monitored, either through personal monitoring or through area monitoring.

- Your petition claimed that documents or statements provided by affidavit that indicate that radiation monitoring records for members of the proposed class have been lost, falsified, or destroyed; or that there is no information regarding monitoring, source, source term, or process from the site where the energy employees worked. Neither the statements accompanying nor the supporting documents suggest that radiation monitoring records for members of the proposed class have been lost, falsified, or destroyed. NIOSH has a detailed inventory of radiological materials stored and handled at the site, as well quantities of material released from the site – Pinellas Plant Feasibility Study: Final Report.

Based on the current findings of the NIOSH reviews, there is no information that supports the basis that monitoring records at the Pinellas Plant were lost, falsified, or destroyed; or that there is no information regarding monitoring, source, source term, or process from the site where the energy employees worked.

Therefore, we are not able to qualify your petition for further evaluation because:

- NIOSH found no information in the supplied documents, petitioner statements, affidavits, or 1,810 documents in the Site Research Database (SRDB) to support one or more of the petition bases.
- NIOSH has a detailed inventory of radiological materials stored and handled at the site, as well quantities of material released from the site (SRDB 6501) – Pinellas Plant Feasibility Study: Final Report.

- NIOSH has total summary and yearly summary internal and external monitoring data for 524 Pinellas Plant employees spanning the years 1957-1980 (SRDB 13167), as well as individual badge and sample data for the majority of those years. In addition, NIOSH has individual monitoring data for each year from 1980 to the end of the petition period.

You may ask for a review of this finding. If you do, it must be within 30 calendar days of receiving this letter. If you choose to ask for a review of our finding, you must:

1. Make your request in writing
2. Tell us why you believe our finding should be reversed, based on the information you submitted with your petition
3. Send it to the address at the bottom of this letter.

Please remember that an administrative review is based on only the information that is currently part of this petition. You may not send new information as part of a review request. We will consider any new information as a revision of the petition. If you do not ask for an administrative review, we will close your petition 31 calendar days after the date you receive this letter.

Please include your NIOSH SEC Tracking Number (SEC00231) on all correspondence, which should be addressed to:

NIOSH/Division of Compensation Analysis and Support  
1090 Tusculum Avenue  
MS C-47  
Cincinnati, Ohio 45226-1938

If you have any questions regarding your petition, please feel free to contact the NIOSH SEC petition counselor, Joshua Kinman. Mr. Kinman can be contacted directly at 513-533-6831 or toll-free at 1-877-222-7570. You can also contact him by email at <dcas@cdc.gov>.

Sincerely,



Stuart L. Hinnefeld, Director  
Division of Compensation Analysis and Support  
National Institute for Occupational Safety and Health

Enclosure



National Institute for Occupational  
Safety and Health  
Robert A. Taft Laboratories  
1090 Tusculum Ave.  
Cincinnati, OH 45226-1938  
Phone: 877-222-7570  
Fax: 513-533-6826

June 22, 2016

SEC Tracking Number: SEC00232

(b)(6)

I am writing to let you know that your revised Special Exposure Cohort (SEC) petition, which includes the affidavit you provided dated May 9, 2016, did not qualify for evaluation. You asked us to consider a class that would include "all laborers who worked for The Carborundum Company, Global Plant, 3497 Hyde Park Blvd., Niagara Falls, NY from June 1943 through September 1943, and January 1, 1959 through December 31, 1967." After we carefully considered your statements and the documents you sent in support of this worker class, we found that you did not provide information to support the qualification basis you asked us to consider.

Below is a summary of your petition basis and the NIOSH findings.

- Your petition claimed that radiation exposures and radiation doses potentially incurred by members of the proposed class that relate to this petition were not monitored, either through personal monitoring or through area monitoring (F.1 basis). You noted that you have issues and concerns regarding unmonitored and unrecorded long-term radiation exposures for those workers. Based on our review of available documents, there does not appear to have been any radiological operations performed at the Global Plant. The Department of Energy covered facility listing includes two Carborundum locations in Niagara Falls--the Buffalo Avenue location and the Global Plant. The building or location in which the Atomic Energy Commission (AEC) work in 1943 was performed has not been determined, but the AEC work in 1959 through 1967 was in a building at the Buffalo Avenue plant. The radiological exposures for both covered time periods at Carborundum were previously evaluated under petition SEC00223, which was submitted for the Buffalo Avenue plant. The petition you submitted identified radiological work identical to the work evaluated under SEC00223; you did not identify any additional radiological activities or exposures.

- Our search for information also included a review of the 243 Carborundum Company-related documents in our Site Research Database (SRDB) for indications of any personal and area monitoring at the Global Plant at the Hyde Park Blvd. facility and for any indication of the presence of radioactive materials. As of this date, we have not found any documents that indicate members of the proposed class were monitored during the periods June 1943 through September 1943 and January 1, 1959 through December 31, 1967, which supports the (F.1) basis. However, we have not found any evidence that radioactive materials existed at the Global Plant requiring such monitoring, with the possible exception of the unknown location for the 1943 work (evaluated under the previous petition SEC00223). Our research indicates that the Global Plant produced heating elements and manufactured resistors. We therefore find that the SEC00232-Carborundum-Global petition does not provide new or unassessed information to support the unmonitored personnel or unavailable monitoring data petition basis.

Therefore, we are not able to qualify your petition for evaluation because:

- Our research did not find substantially new information to support a petition basis beyond that already considered by NIOSH.
- Both Carborundum locations in Niagara Falls are currently listed and administered as a single facility.

You may ask for a review of this finding. If you do, it must be within 30 calendar days of receiving this letter. If you choose to ask for a review of our finding, you must:

1. Make your request in writing.
2. Tell us why you believe our finding should be reversed, based on the information you submitted with your petition.
3. Send it to the address at the bottom of this letter.

Please remember that an administrative review is based on only the information that is currently part of this petition. You may not send new information as part of a review request. We will consider any new information as a revision of the petition. If you do not ask for an administrative review, we will close your petition 31 calendar days after the date you receive this letter. We've enclosed the SEC Rule for your reference.

Please include your NIOSH SEC Tracking Number (SEC00232) on all correspondence, which should be addressed to:

NIOSH/Division of Compensation Analysis and Support  
1090 Tusculum Avenue  
MS C-47  
Cincinnati, Ohio 45226-1938

If you have any questions regarding your petition, please feel free to contact the NIOSH SEC petition counselor, Joshua Kinman. Mr. Kinman can be contacted directly at 513-533-6831 or toll-free at 1-877-222-7570. You can also contact him by email at [dcas@cdc.gov](mailto:dcas@cdc.gov).

Sincerely,

A handwritten signature in cursive script that reads "Stuart L. Hinnefeld".

Stuart L. Hinnefeld, Director  
Division of Compensation Analysis and Support  
National Institute for Occupational Safety and Health

Enclosure



National Institute for Occupational  
Safety and Health  
Robert A. Taft Laboratories  
1090 Tusculum Ave.  
Cincinnati, OH 45226-1938  
Phone: 877-222-7570  
Fax: 513-533-6826

July 18, 2016

SEC Tracking Number: SEC-00233

(b)(6)

I am writing to let you know that your Special Exposure Cohort (SEC) petition, which includes the affidavit you provided dated May 10, 2016, did not qualify for evaluation. You asked us to consider a class that would include “administrative-type workers, including management and support personnel, who worked in any area at the Pinellas Plant in Clearwater, Florida, during the period from January 1, 1960 through December 31, 1990.” After we carefully considered your statements and the documents you sent in support of this worker class, we found that you did not provide information to support the qualification basis you asked us to consider.

Below is a summary of your petition basis and the NIOSH findings.

- Your petition claimed that radiation exposures and radiation doses potentially incurred by members of the proposed class that relate to this petition were not monitored, either through personal monitoring or through area monitoring (F.1 basis). You denoted that your basis for the petition is rooted in the absence of measuring tools for many of the employees at the plant, and that you do not recall anyone outside of production and maintenance employees wearing dosimeter badges.
- Based on our review of available documents, we have determined that the Pinellas Plant was not required to monitor most employees because most of the work performed consisted of metal finishing operations that did not expose personnel to radioactive materials. Radiological operations were limited to specified areas of the plant and most personnel did not have routine access to radiological areas. To minimize the chances for an unmonitored exposure, the plant used film badges in areas designated for the use of radioactive materials, and used alarming air monitors in radiological process areas. The plant

controlled access to radiological areas by employees not included in the radiological monitoring program by requiring passage through change rooms. Visitors to the area gained access through a controlled visitors' entrance.

- Our search for information also included a review of the available site dosimetry data. These data indicate that a large number of the monitored individuals routinely had doses below the reporting levels. Based on our review of the available dosimetry data, we have determined that employees with a reasonable likelihood for significant external dose exposure appear to have been routinely monitored.

Therefore, we are not able to quality your petition for further evaluation because we find no evidence of a lack of monitoring for those employees having a reasonable likelihood of radiological exposures above monitoring thresholds.

You may ask for a review of this finding. If you do, it must be within 30 calendar days of receiving this letter. If you choose to ask for a review of our finding, you must:

1. Make your request in writing
2. Tell us why you believe our finding should be reversed, based on the information you submitted with your petition
3. Send it to the address at the bottom of this letter.

Please remember that an administrative review is based on only the information that is currently part of this petition. You may not send new information as part of a review request. We will consider any new information as a revision of the petition. If you do not ask for an administrative review, we will close your petition 31 calendar days after the date you receive this letter.

Please include your NIOSH SEC Tracking Number (SEC00233) on all correspondence, which should be addressed to:

NIOSH/Division of Compensation Analysis and Support  
1090 Tusculum Avenue  
MS C-47  
Cincinnati, Ohio 45226-1938

If you have any questions regarding your petition, please feel free to contact the NIOSH SEC petition counselor, Joshua Kinman. Mr. Kinman can be contacted directly at 513-533-6831 or toll-free at 1-877-222-7570. You can also contact him by email at [jkinman@cdc.gov](mailto:jkinman@cdc.gov).

Sincerely,

A handwritten signature in black ink that reads "Stuart L. Hinnefeld". The signature is written in a cursive style with a large, stylized initial "S".

Stuart L. Hinnefeld, Director  
Division of Compensation Analysis and Support  
National Institute for Occupational Safety and Health

Enclosure



National Institute for Occupational  
Safety and Health  
Robert A. Taft Laboratories  
1090 Tusculum Ave.  
Cincinnati, OH 45226-1938  
Phone: 877-222-7570  
Fax: 513-533-6826

October 4, 2017

SEC Tracking Number: SEC00239

(b)(6)

I am writing to let you know that your Special Exposure Cohort (SEC) petition, which includes your Form B, the attachments with your Form B, and the subsequent documents you sent, did not qualify for evaluation. You asked us to consider a class that would include "all Atomic Weapons Employees who worked in any area at Wah Chang in Albany, Oregon, during the period from January 1, 1973 through May 31, 2017". After we carefully considered your statements and the documents you sent in support of this worker class, we found that you did not provide information to support the qualification basis you asked us to consider.

Below is a summary of your petition bases and the NIOSH findings.

- Your petition claimed that radiation exposures and radiation doses from incidents potentially incurred by members of the proposed class that relate to this petition were not monitored or inadequately monitored, either through personal monitoring or through area monitoring (E.5 basis). You provided statements describing a visit to the R&D Building by several Wah Chang employees in September of 2016; however, these statements do not support the basis that members of the proposed class were not monitored. In our telephone discussion on June 7, 2017, you stated that we could disregard E.5 as a basis for the petition and apply the information to the F.1 basis discussed below.
- Your petition claimed that radiation exposures and radiation doses potentially incurred by members of the proposed class that relate to this petition were not monitored, either through personal monitoring or through area monitoring (F.1 basis). You provided statements that describe unmonitored exposures that occurred during work performed at Wah Chang over a period of time. Although we agree with you that records indicate some exposures at Wah Chang were not adequately monitored, we did not discover any new information that we have not

already evaluated as part of a previous SEC petition, or that would prevent us from applying the dose reconstruction methods we previously developed for Wah Chang to the additional work descriptions and time periods identified in your petition.

- Our search for information also included a review of many documents in our Site Research Database (SRDB), and personnel monitoring documents. As of this date, we find that your SEC00239 petition does not provide new or unassessed information indicating members of the proposed class were not monitored during the period from January 1, 1973 through May 31, 2017, as required to support an (F.1) basis.

Therefore, we are not able to qualify your petition for further evaluation because:

- Our research did not find new information to support a petition basis beyond that already considered by NIOSH in the previous Wah Chang petition, SEC00174.

You may ask for a review of this finding. If you do, it must be within 30 calendar days of receiving this letter. If you choose to ask for a review of our finding, you must:

1. Make your request in writing
2. Tell us why you believe our finding should be reversed, based on the information you submitted with your petition
3. Send it to the address at the bottom of this letter.

Please remember that an administrative review is based on only the information that is currently part of this petition. You may not send new information as part of a review request. We will consider any new information as a revision of the petition. If you do not ask for an administrative review, we will close your petition 31 calendar days after the date you receive this letter.

Please include your NIOSH SEC Tracking Number (SEC00239) on all correspondence, which should be addressed to:

NIOSH/Division of Compensation Analysis and Support  
1090 Tusculum Avenue  
MS C-47  
Cincinnati, Ohio 45226-1938

If you have any questions regarding your petition, please feel free to contact the NIOSH SEC petition counselor, Joshua Kinman. Mr. Kinman can be contacted directly at 513-533-6831 or toll-free at 1-877-222-7570. You can also contact him by email at <dcas@cdc.gov>.

Sincerely,

A handwritten signature in cursive script that reads "Stuart L. Hinnefeld".

Stuart L. Hinnefeld, Director  
Division of Compensation Analysis and Support  
National Institute for Occupational Safety and Health



National Institute for Occupational  
Safety and Health  
Robert A. Taft Laboratories  
1090 Tusculum Ave.  
Cincinnati, OH 45226-1938  
Phone: 877-222-7570  
Fax: 513-533-6826

August 17, 2017

SEC Tracking Number: SEC00240

(b)(6)

I am writing to let you know that your revised Special Exposure Cohort (SEC) petition, which includes your Form B, the attachments with your Form B and the subsequent documents you sent, did not qualify for evaluation. You asked us to consider a class that would include "all workers who worked in the R or SM buildings at the Mound Plant in Miamisburg, Ohio during the period from January 1, 1959 through December 31, 1969". After we carefully considered your statements and the documents you sent in support of this worker class, we found that you did not provide information to support the qualification basis you asked us to consider.

Below is a summary of your petition basis and the NIOSH findings.

- Your petition claimed that radiation exposures and radiation doses from incidents potentially incurred by members of the proposed class that relate to this petition were not monitored or inadequately monitored, either through personal monitoring or through area monitoring (E.5 basis). You provided statements discussing that there was no operational whole body counter before December 1969, that all employees had at least one 24 hour urine assay for plutonium, that urine assays determine systemic material only, not for the lungs, and that the employees for this petition are not covered by SEC-1,2,3 (NOTE: this is in reference to SEC petitions 90/91, 171, 207). You provided an article regarding the PUQFUA system. You also provided a document that lists incidents and body burdens calculated in relation to these incidents. These statements and documents do not support the basis that members of the proposed class were not monitored. In a subsequent document you sent on July 5, 2017 in response to our telephone discussion, you stated that we can disregard E.5 of the petition.

- Your petition claimed that radiation exposures and radiation doses potentially incurred by members of the proposed class that relate to this petition were not monitored, either through personal monitoring or through area monitoring (F.1 basis). You provided documents that describe experiences with plutonium at Mound, internal and uptake and bioassay results and the long residence time of plutonium in the lungs. Other documents you provided discuss your concerns with the appropriateness of the dosimetry used at the time. You denoted that you have concerns that plutonium lung burdens cannot be determined with urinalysis measurements. These documents do not support the basis that members of the proposed class were not monitored. In addition, NIOSH recognizes that PUQFUA (discussed in the documents) is not a generally accepted system for arriving at radiation exposure to plutonium workers. Newer models and computer programs are being used to evaluate urine data in terms of radiation dose commitment.
- Our search for information also included a review of many documents in our Site Research Database (SRDB). We reviewed personnel monitoring documents and additional information on Pu-238 as well as information relating to R and SM buildings. As of this date, we have found that the SEC00240-Mound petition does not provide new or unassessed information to support the unmonitored personnel or unavailable monitoring data petition basis that indicates members of the proposed class were not monitored during the periods January 1, 1959 through December 31, 1969, which supports the (F.1) basis.

Therefore, we are not able to qualify your petition for further evaluation because:

- Our research did not find new information to support a petition basis beyond that already considered in Mound petitions SEC-0090/91, SEC-171, SEC-207.
- NIOSH recognizes the PUQFUA computer program is not a generally accepted system for arriving at radiation exposure to plutonium workers. Newer models and computer programs are being used to evaluate urine data in terms of radiation dose commitment.

You may ask for a review of this finding. If you do, it must be within 30 calendar days of receiving this letter. If you choose to ask for a review of our finding, you must:

1. Make your request in writing
2. Tell us why you believe our finding should be reversed, based on the information you submitted with your petition
3. Send it to the address at the bottom of this letter.

Please remember that an administrative review is based on only the information that is currently part of this petition. You may not send new information as part of a review request. We will consider any new information as a revision of the petition. If you do not ask for an administrative review, we will close your petition 31 calendar days after the date you receive this letter.

Please include your NIOSH SEC Tracking Number (SEC00240) on all correspondence, which should be addressed to:

NIOSH/Division of Compensation Analysis and Support  
1090 Tusculum Avenue  
MS C-47  
Cincinnati, Ohio 45226-1938

If you have any questions regarding your petition, please feel free to contact the NIOSH SEC petition counselor, Joshua Kinman. Mr. Kinman can be contacted directly at 513-533-6831 or toll-free at 1-877-222-7570. You can also contact him by email at <dcas@cdc.gov>.

Sincerely,



Stuart L. Hinnefeld, Director  
Division of Compensation Analysis and Support  
National Institute for Occupational Safety and Health

Enclosure



National Institute for Occupational  
Safety and Health  
Robert A. Taft Laboratories  
1090 Tusculum Ave.  
Cincinnati, OH 45226-1938  
Phone: 877-222-7570  
Fax: 513-533-6826

December 7, 2017

SEC Tracking Number: SEC00241

(b)(6)

I am writing to let you know that your revised Special Exposure Cohort (SEC) petition, which includes your Form B, the attachments with your Form B and the subsequent documents you sent, did not qualify for evaluation. You asked us to consider a class that would include "all laborers who worked in any area at the Y-12 Plant in Oak Ridge, Tennessee during the period from November 16, 1981 through the present". After we carefully considered your statements and the documents you sent in support of this worker class, we found that you did not provide information to support the qualification basis you asked us to consider.

Below is a summary of your petition basis and the NIOSH findings.

- Your petition claimed that radiation exposures and radiation doses potentially incurred by members of the proposed class that relate to this petition were not monitored, either through personal monitoring or through area monitoring (F.1 basis). You provided documents and statements by affidavit that described experiences, without further specifics, claiming that laborers were exposed to unmeasured levels of contamination without protective equipment and that no records were kept of maintenance workers' exposures. You also provided information that your mother's job description indicated she did not require monitoring and that she was never bioassayed. Other information provided in the associated affidavits included generalized criticisms of the safety culture at Y-12 and contained similar statements that the employees mistrusted their dosimeter badges, as the results were always zero. One affiant included concerns regarding disturbing dust in a work area and the requirement to wear a respirator while other laborers working in the area did not have respirators. This person also had concerns regarding cleaning up contaminated paint chips and the burial of contaminated equipment in the burial grounds. These documents do not support the basis that members of the proposed class were not monitored.

- Our search for information also included a review of many documents in our Site Research Database (SRDB). There was no internal monitoring for your mother, the Y-12 employee listed on the petition; however, it does not appear that the employee was directly involved in handling radioactive materials. There are, however, external monitoring records for your mother and external and internal monitoring records for other Y-12 laborers during the time period of the class. None of the provided affidavits or documents included evidence of events or routine activities that indicate unmonitored worker exposure. As of this date, we have found that the SEC00241 Y-12 petition does not provide new or unassessed information to support the unmonitored personnel or unavailable monitoring data petition basis that indicates members of the proposed class were not monitored during the period from November 16, 1981 through the present, which would otherwise support the (F.1) basis.

Therefore, we are not able to qualify your petition for further evaluation because:

- Our research did not find new information to support a petition basis beyond that already considered in Y-12 petitions SEC-18, SEC-26, SEC-28, SEC-39, SEC-98, and SEC-186.

You may ask for a review of this finding. If you do, it must be within 30 calendar days of receiving this letter. If you choose to ask for a review of our finding, you must:

1. Make your request in writing
2. Tell us why you believe our finding should be reversed, based on the information you submitted with your petition
3. Send it to the address at the bottom of this letter.

Please remember that an administrative review is based on only the information that is currently part of this petition. You may not send new information as part of a review request. We will consider any new information as a revision of the petition. If you do not ask for an administrative review, we will close your petition 31 calendar days after the date you receive this letter.

Please include your NIOSH SEC Tracking Number (SEC00241) on all correspondence, which should be addressed to:

NIOSH/Division of Compensation Analysis and Support  
1090 Tusculum Avenue  
MS C-46  
Cincinnati, Ohio 45226-1938

If you have any questions regarding your petition, please feel free to contact the NIOSH SEC petition counselor, Joshua Kinman. Mr. Kinman can be contacted directly at 513-533-6831 or toll-free at 1-877-222-7570. You can also contact him by email at <dcas@cdc.gov>.

Sincerely,

A handwritten signature in cursive script that reads "Stuart L. Hinnefeld".

Stuart L. Hinnefeld, Director  
Division of Compensation Analysis and Support  
National Institute for Occupational Safety and Health

Enclosure



National Institute for Occupational  
Safety and Health  
Robert A. Taft Laboratories  
1090 Tusculum Ave.  
Cincinnati, OH 45226-1938  
Phone: 877-222-7570  
Fax: 513-533-6826

January 9, 2018

SEC Tracking Number: SEC00242



I am writing to let you know that your Special Exposure Cohort (SEC) petition, which includes your non-standard petition letter dated June 15, 2017 and the subsequent documents you sent on October 27, 2017, did not qualify for evaluation. You asked us to consider a class that would include "all workers in all areas at the Pinellas Plant in Clearwater, Florida during the period from September 1, 1956 through September 30, 1997." After we carefully considered your statements and the documents you sent in support of this worker class, we found that the petition did not meet the requirements under 42 C.F.R. §83.9 for further evaluation and the petition also did not include new information not already considered by NIOSH and the Advisory Board on Radiation and Worker Health (the Board).

We spoke with you by telephone on July 25, 2017 and October 27, 2017. During our phone conversations, we agreed to review Board-related transcripts and reports, and documents submitted for past SEC petitions for the Pinellas Plant, in addition to information that you submitted for this petition, as part of our qualification review.

During the period from June 2008 through August 2016, the Board, with support from its work groups and technical support contractor, SC&A, provided a lengthy and independent peer review of the site profile documents and dose reconstruction methods for the Pinellas Plant. The Board's Work Group on Pinellas Plant tracked Pinellas Plant Site Profile issues and resolutions in a matrix. This matrix included issues that were resolved, in part, based on classified worker interviews conducted in January 2012. The Work Group's matrix tracked the following issues:

- Reconstruction of doses in the absence of early health physics, industrial hygiene, and environmental records.
- Potential doses from stable metal tritides.
- Minimum detectable concentrations and uncertainties for plutonium monitoring.

- Assessment of personnel badging policy during early years.
- Personnel dosimetry practices.
- Decontamination and decommission era of Pinellas Plant operations.
- Internal dose estimation methods for unmonitored workers (e.g., maintenance and support personnel).
- Potential for missed dose for depleted uranium.
- Assignment of occupational medical doses and associated dose conversion factors and examination frequencies.
- Uncertainties associated with the assignment of occupational medical doses.
- Site Profile descriptions for certain plant operations.
- Perimeter tritium monitoring stations.
- Uncertainty associated with the assignment of external doses.
- Rejection of plutonium bioassay results based on ratios of Pu238 to Pu239, and non-detectable Pu239.
- Plutonium solubility assumptions.

At its August 9, 2016 meeting, the Board voted to close its eight-year site profile review for the Pinellas Plant, considering all site profile issues resolved.

In addition to our review of the Board's proceedings related to the Pinellas Plant, we have reviewed documents you submitted for this petition, and documents submitted for previous Pinellas Plant SEC petitions. Below is a summary of your petition bases and the NIOSH findings.

- Your petition was based on one or more unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents (E.5 basis).

You provided examples such as "*tritium spills and releases, neutron tube 'flaking', lead shields down, equipment not calibrated properly, air monitors not working, bioassays improperly delayed readings, delays in reading and documenting radiation calculations, surface wipes not being done, radioactive generating equipment not being monitored, missing data, etc.*" Our review of the Board transcripts and documents indicates that the Board has previously considered the occurrences of unplanned incidents, including tritium releases, and flaking associated with neutron tubes. NIOSH has previously considered petition information regarding unplanned events and neutron tube work that was submitted for Pinellas Plant SEC petitions SEC00231, SEC00184, and SEC00130. The Board determined that available bioassay data for monitored workers are sufficient to account for off-normal events because the bioassay data would include a chronic exposure scenario for any incidents that occurred. For unmonitored workers, the Board concurred with NIOSH's approach, which is to use a whole-body-dose coworker model, including a tritium component, in addition to neutron and gamma external dose assigned at the 95th percentile. Although instances such as calibration and air/surface monitoring deficiencies,

delay of bioassay record processing, or failure to monitor equipment might indicate the possibility that worker doses may have been unnecessarily elevated, such instances do not indicate a lack of monitoring.

You also stated “*The petition is based on exposure incidents that have been confirmed and documented by NIOSH DCAS. The Historical report lists incidents, the DEEOIC’s Site Exposure matrix lists incidents, the TKBS lists incidents, and the SRDB has incidents in the record. 1990 Tiger Team report stated that the dosimetry records were not reliable due to the delay in recording the results. The “Conduct of Operations” report of 1991, established the reporting of incidents, “event reporting” and confirmed the hazards of tritium. The DEEOIC SEM lists tritium contamination in 1969 with dose of 50 mrem; 1973, etc. in 1995 drums contaminated with HTO to a level of about 600,000 dpm/100 cm<sup>2</sup> were found*” Our review of the Board’s transcripts and documents indicates that the Board has previously considered the occurrences of unplanned incidents. NIOSH has previously considered petition information regarding tritium source term and the 1990 Tiger Team report that was submitted for earlier Pinellas SEC petitions SEC00231 and SEC00184. The Board was aware of the 1990 Tiger Team report and other listings of site incidents. The Board has already considered the existence of various forms of tritium at the Pinellas site (tritium gas, tritiated water, organically bound tritium, and stable metal tritides). The Board has determined that available monitoring data are sufficient to account for off-normal events for monitored workers, and that the available data adequately support coworker modelling to account for off-normal events for unmonitored workers.

You provided evidence of incidents including “*Readings above the site standard were obtained during a weekly random smear of a leak detector in Area 157A Gas Analysis Laboratory. A random (weekly) tritium smear indicated a removable contamination level above general area limit.*” Our review of the Board transcripts and documents indicates that the Board has previously considered the occurrences of unplanned incidents and determined that available monitoring data accounts for the chronic exposure scenarios of any incidents that occurred. There is no indication that these instances of elevated workplace contamination levels were inadequately monitored.

- Your petition claimed that radiation exposures and radiation doses potentially incurred by members of the proposed class that relate to this petition were not monitored, either through personal monitoring or through area monitoring (F.1 basis).

You provided excerpts from the May 1990 Tiger Team Assessment of the Pinellas Plant and also stated “*The documentation in the Technical*

*Basis Document establishes several years as well as incidents where the workers were not monitored such as Radioactive Material Management Areas, (RMMA), Table 2-3 page 30 of ORAUT-TKBS-0029-2; Releases due to "unusual events" Table 2-4 page 34 of ORAUT-TKBS-0029-2.* We have previously considered petition information regarding listed incidents that was submitted for the earlier Pinellas SEC petition SEC0023. NIOSH site profile documents were independently evaluated by the Board with the support of its Work Group on Pinellas Plant and technical support contractor, SC&A. Information provided in the petitioner statements had been assessed and resolved by the Board. NIOSH has reviewed excerpts of the Tiger Team Assessment submitted for this petition and for previous SEC petitions SEC00231 and SEC00184, and referenced during petitioner's public comment to the Board. We have previously reviewed the full 400-page assessment as it related to qualification reviews for previous SEC petitions for the Pinellas Plant. NIOSH has determined the issues identified in the Tiger Team Assessment do not provide new information regarding a lack of monitoring. Additionally, issues concerning worker monitoring identified in the Tiger Team Assessment were also addressed by the Board during its assessment of monitoring data availability.

- Your petition claimed that radiation monitoring records for members of the proposed class have been lost, falsified, or destroyed; or that there is no information regarding monitoring, source, source term, or process from the site where the employees worked (F.2 basis).

You stated "*The documentation of radiation monitoring records have been lost, falsified, or destroyed is from the statement by DCAS in the March 2016 meeting of the Advisory Board that the D&D records are not there. The Historical report from Holiday (SRDB), confirms "activity logs not available" from 9/1973-1/1986. The radiation dose from the Faxitron in Building 300, "Heather Project" recorded radiation emanating from the plastered walls revealed a dose-rate of 40 mr per month.*" Although NIOSH and the Board are aware that some site records are unavailable, the information submitted by the petitioner provides no evidence of lost, falsified, or destroyed records that adversely impact NIOSH's ability to reconstruct doses. NIOSH presents available monitoring, source term, and process information in its Pinellas Site Profile, which has been reviewed by the Board. Aware that some site records may not be available, the Board has evaluated the bulk of the available information for the Pinellas Plant as it relates to monitored and unmonitored workers. The Board has also evaluated the John Holiday report as it was used in the site profile. Additionally, we previously considered petition information regarding the Holiday report that was submitted for SEC petition SEC00231. The Board determined that the available monitoring records are adequate to

support dose reconstruction. The statements and documents you provided do not present new information that has not already been considered by NIOSH and the Board during its review of the Pinellas Plant Site Profile documents and associated dose reconstruction methodologies.

- Your petition was based on a report from a health physicist or other individual with expertise in radiation dose reconstruction documenting the limitations of existing DOE or AWE records on radiation exposures at the facility, as relevant to the petition (F.3 basis).

*You stated "The report from the SC&A audit of the Site Profile/TKBS for Pinellas Plant reported the accuracy of the data and the validity of the assumptions are not being reviewed; the application of the methods used for metal tritides have not been established, specifically in light of workers being exposed to particulates from the testing of the tube as well as assembling the neutron generator (See classified interviews of Workers); the destructive testing of the RTG's and the plutonium bioassays as well as the dosimetry and air monitoring are not being addressed even though documentation shows radiation dose; the D&D period is missing data, such as survey swipes, dosimetry records, etc."* The issues identified by the SC&A audit referenced in your statement were resolved by the Board during its review of the site profile. At its August 9, 2016 meeting, the Board was provided a final briefing on the site profile issues and their resolution by its Work Group. The Board concurred with the Work Group's recommendation that all site profile issues were resolved, and the Board voted unanimously to close its eight-year site profile review for the Pinellas Plant. The statements you provided do not present new information that has not already been considered by NIOSH and the Board during its review of the Pinellas Plant Site Profile documents and associated dose reconstruction methodologies.

- Your petition was based on a scientific or technical report, issued by a government agency of the Executive Branch of Government or the General Accounting Office, the Nuclear Regulatory Commission, or the Defense Nuclear Facilities Safety Board, or published in a peer-reviewed journal, that identifies dosimetry and related information that are unavailable (due to either a lack of monitoring or the destruction or loss of records) for estimating the radiation doses of employees covered by the petition (F.4 basis).

*You stated "The DOE has stated that the internal dose was not required to be reported until 1989. The SC&A stated that the SRDB had a "large number of new documents cited, it is impossible for SC&A to critically review those documents". The metal tritides doses were not being monitored until the MOUND D&D issue before the Defense Nuclear Facilities Safety. The Provst report that was filed with the last*

*SEC, confirmed the “particulates” coming from the metal tritides at the Pinellas Plant was a problem and could not be monitored. NIOSH DCAS has stated that the neutron generator tube workers at Sandia are SEC members. NIOSH DCAS has stated that the dose cannot be done for the neutron generator workers at Los Alamos. Both the neutron tube and the neutron generator came from Pinellas Plant and was transferred to Sandia/ Los Alamos in 1994. The 1992-1994 DOE report Occupational Radiation Exposure changed the methods of determining internal radiation dose and established an Administrative Control Level.” We have determined that the Board has evaluated the available information for the Pinellas Plant as it relates to dosimetry and related information that are unavailable due to either a lack of monitoring or the potential loss of records. The Board has evaluated the SC&A report, and has previously considered issues relating to Pinellas metal tritides and neutron generator tubes. The statements you provided do not present new information that has not already been considered by NIOSH and the Board in its review of the Pinellas Plant Site Profile documents and associated dose reconstruction methodologies.*

Therefore, we are not able to qualify your petition for further evaluation because:

- Information submitted for Petition SEC00242 does not support a basis that dose reconstruction cannot be completed.
- Our review of information you supplied for SEC00242, Board transcripts and associated reports, and previous petitioner submittals related to past Pinellas Plant SEC petitions, did not find new information beyond that already considered by NIOSH and the Board in its review of the Pinellas Plant Site Profile documents and associated dose reconstruction methodologies.

You may ask for a review of this finding. If you do, it must be within 30 calendar days of receiving this letter. If you choose to ask for a review of our finding, you must:

1. Make your request in writing.
2. Tell us why you believe our finding should be reversed, based on the information you submitted with your petition.
3. Send it to the address at the bottom of this letter.

Please remember that an administrative review is based on only the information that is currently part of this petition. You may not send new information as part of a review request. We will consider any new information as a revision of the petition. If you do not ask for an administrative review, we will close your petition 31 calendar days after the date you receive this letter.

Please include your NIOSH SEC Tracking Number (SEC00242) on all correspondence, which should be addressed to:

NIOSH/Division of Compensation Analysis and Support  
1090 Tusculum Avenue  
MS C-46  
Cincinnati, Ohio 45226-1938

If you have any questions regarding your petition, please feel free to contact the NIOSH SEC petition counselor, Joshua Kinman. Mr. Kinman can be contacted directly at 513-533-6831 or toll-free at 1-877-222-7570. You can also contact him by email at <dcas@cdc.gov>.

Sincerely,



Stuart L. Hinnefeld, Director  
Division of Compensation Analysis and Support  
National Institute for Occupational Safety and Health

Enclosure



National Institute for Occupational  
Safety and Health  
Robert A. Taft Laboratories  
1090 Tusculum Avenue  
Cincinnati, OH 45226-1938  
Phone: 1-877-222-7570  
Fax: 1-513-533-6826  
Email: dcas@cdc.gov

October 24, 2017

SEC Tracking Number: SEC00244

(b)(6)

I am writing to let you know we closed your Special Exposure Cohort (SEC) petition. You asked NIOSH to look at years outside the covered time period for the site. We explained we could not process the petition. You also agreed to close the petition. Therefore, we closed the petition on October 24, 2017. We will send the contract information you gave us to the Department of Labor for review.

If you have any questions, please contact Joshua Kinman. You can reach him at 1-513-533-6831, 1-877-222-7570, or [jkinman@cdc.gov](mailto:jkinman@cdc.gov).

Sincerely,

Stuart L. Hinnefeld, Director  
Division of Compensation Analysis and Support  
National Institute for Occupational Safety and Health



National Institute for Occupational  
Safety and Health  
Robert A. Taft Laboratories  
1090 Tusculum Ave.  
Cincinnati, OH 45226-1938  
Phone: 877-222-7570  
Fax: 513-533-6826

August 20, 2018

SEC Tracking Number: SEC00248

(b)(6)

I am writing to let you know that your Special Exposure Cohort (SEC) petition, which includes your Form B and the attachments with your Form B, did not qualify for evaluation. You asked us to consider a class that would include "all workers who worked in any area at the Clinton Engineer Works facility in Oak Ridge, TN, during the period from January 1, 1943 through December 31, 1949." After we carefully considered your statements and the documents you sent in support of this worker class, we found that you did not provide information to support the qualification basis you asked us to consider.

Your petition claimed that a scientific or technical report identifies dosimetry and related information that are unavailable for estimating the radiation doses of energy employees covered by the petition (F.4 basis). With your petition, you provided supporting documents indicating that J. A. Jones Construction Co. and other contractors were involved in the initial construction and perhaps other operations within the boundaries of the Oak Ridge K-25 facility.

Each of the CEW processing plants (Y-12, K-25, and X-10 [now ORNL]) has been designated separately for purposes of EEOICPA. NIOSH therefore excludes potential exposures in these specific areas when evaluating exposure potential for workers at the CEW. Although the supporting documents that you provided indicate that the J. A. Jones Construction Co. may have had several contracts in the Oak Ridge area (including in the CEW area), the petition and supporting documents do not identify any potential sources of radiation exposure within the EEOICPA-designated CEW area that were not already included in a previous SEC class (SEC00178). Consequently, NIOSH is unable to qualify your petition for further evaluation.

You may ask for a review of this finding. If you do, it must be within 30 calendar days of receiving this letter. If you choose to ask for a review of our finding, you must:

1. Make your request in writing;
2. Tell us why you believe our finding should be reversed, based on the information you submitted with your petition; and
3. Send it to the address at the bottom of this letter.

Please remember that an administrative review is based on only the information that is currently part of this petition. You may not send new information as part of a review request. We will consider any new information as a revision of the petition. If you do not ask for an administrative review, we will close your petition 31 calendar days after the date you receive this letter.

Please include your NIOSH SEC Tracking Number (SEC00248) on all correspondence, which should be addressed to:

NIOSH/Division of Compensation Analysis and Support  
1090 Tusculum Avenue  
MS C-45  
Cincinnati, Ohio 45226-1938

If you have any questions regarding your petition, please feel free to contact the NIOSH SEC petition counselor, Joshua Kinman. Mr. Kinman can be contacted directly at 513-533-6831 or toll-free at 1-877-222-7570. You can also contact him by email at <[dcas@cdc.gov](mailto:dcas@cdc.gov)>.

Sincerely,



Stuart L. Hinnefeld, Director  
Division of Compensation Analysis and Support  
National Institute for Occupational Safety and Health

Enclosure



National Institute for Occupational  
Safety and Health  
Robert A. Taft Laboratories  
1090 Tusculum Ave.  
Cincinnati, OH 45226-1938  
Phone: 877-222-7570  
Fax: 513-533-6826

September 18, 2018

SEC Tracking Number: SEC00249

(b)(6)

I am writing to let you know that your Special Exposure Cohort (SEC) petition, which includes your Form B and the attachments with your Form B, did not qualify for evaluation. You asked us to consider a class that would include all Roane-Anderson Co. service workers, laborers, and guards who worked on the grounds and area of the Elza Gate at the Clinton Engineering Works (CEW) site in Oak Ridge, Tennessee, during the period from January 1, 1943 through December 31, 1949. After we carefully considered your statements and the documents you sent in support of this worker class, we found that you did not provide information to support the qualification basis you asked us to consider.

A previous 83.13 SEC petition (SEC-00178) for CEW has been evaluated by NIOSH. The result of that prior evaluation was the following class of workers being added to the SEC:

*All employees of the Tennessee Eastman Corporation (1943–1947) and the Carbide and Carbon Chemicals Corporation (1947–1949) who were employed at the Clinton Engineer Works in Oak Ridge, Tennessee, from January 1, 1943 through December 31, 1949 for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more classes of employees included in the Special Exposure Cohort.*

Your petition sought to include Roane-Anderson Co. employees (in addition to Tennessee Eastman Corporation and Carbide and Carbon Chemicals Corporation employees) who worked on the grounds and area of the Elza Gate at the CEW during this same time period.

During its evaluation of SEC-00178, NIOSH investigated whether Roane-Anderson Co. workers had the potential for occupational radiation exposure at the Elza Gate warehouse area. The SEC-00178 evaluation report concluded that Tennessee Eastman Corporation and Carbide and Carbon Chemicals Corporation employed the workers who handled radioactive materials in the Elza Gate warehouse area, and that the general CEW contractor (Roane-Anderson Co.) employees would not have been involved in radioactive material operations. Your petition and supporting documents do not provide any information suggesting that Roane-Anderson Co. workers were exposed to occupational radiation or had the potential to incur radiation doses that warranted monitoring. In addition, your petition does not identify any potential sources of exposure beyond the Elza Gate area of the CEW. Based on the documents available and reviewed to date, NIOSH does not find support to qualify your petition for evaluation under any petition basis.

You may ask for a review of this finding. If you do, it must be within 30 calendar days of receiving this letter. If you choose to ask for a review of our finding, you must:

1. Make your request in writing;
2. Tell us why you believe our finding should be reversed, based on the information you submitted with your petition; and
3. Send it to the address at the bottom of this letter.

Please remember that an administrative review is based on only the information that is currently part of this petition. You may not send new information as part of a review request. We will consider any new information as a revision of the petition. If you do not ask for an administrative review, we will close your petition 31 calendar days after the date you receive this letter. Please include your NIOSH SEC Tracking Number (SEC-00249) on all correspondence, which should be addressed to:

NIOSH/Division of Compensation Analysis and Support  
1090 Tusculum Avenue  
MS C-45  
Cincinnati, Ohio 45226-1938

If you have any questions regarding your petition, please feel free to contact the NIOSH SEC petition counselor, Joshua Kinman. Mr. Kinman can be contacted directly at 513-533-6831 or toll-free at 1-877-222-7570. You can also contact him by email at <dcas@cdc.gov>.

Sincerely,



Stuart L. Hinnefeld, Director  
Division of Compensation Analysis and Support  
National Institute for Occupational Safety and Health

Enclosure



National Institute for Occupational  
Safety and Health  
Robert A. Taft Laboratories  
1090 Tusculum Avenue  
Cincinnati, OH 45226-1938  
Phone: 877-222-7570  
Fax: 513-533-6826

March 4, 2020

SEC Tracking Number: SEC00254



I am writing to let you know that your Special Exposure Cohort (SEC) petition did not qualify for evaluation. Based on the information that you provided on your submitted SEC Petition-Form B and in the subsequent telephone conversations with you, NIOSH considered a class of workers to be added to the SEC which included all employees who worked in any area of Argonne National Laboratory-East (ANL-E), in Argonne, Illinois, during the period from October 1, 1975 through September 30, 1981. After we carefully considered your statements, we did not find sufficient information to support any of the qualification bases.

You identified the E.5 basis item on the Form B, indicating that there were one or more unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents at ANL-E during the applicable time period. During the consultation telephone call on November 6, 2019, in support of the E.5 basis item, you described four specific incidents, or potential-exposure occurrences, that took place during your employment. These included:

- a plumbing leak and subsequent dousing of yourself and a coworker by heavy water that occurred while dismantling a miniature reactor assembly in the 300 Area;
- a delivery of pallets of graphite shipped from California to Building 16 (shipping and receiving area) in which you requested radiation safety personnel check the skids, resulting in the radiological technologists finding elevated radiation levels on the skids;
- equipment design/modification work that you performed over a period of 4–6 hours per day for 3 days for a lab in the 300 Area that researched cadavers from the radium-dial watch industry workers; and
- vacuum-pump repair activities in the Central Shops and various laboratories that took place over a period of approximately two years.

NIOSH searched its databases for radiological incidents occurring at ANL-E, and specifically requested any additional incident-related information from ANL-E that may be available from the applicable time period. NIOSH was unable to find any documentation appearing to describe any of the incidents that you described.

In the context of qualifying a petition using the E.5 basis, Public Law, 42 CFR 83.13 (c)(3)(i) refers to "...discrete incidents likely to have involved exceptionally high level exposures, such as nuclear criticality incidents or other events involving similarly high levels of exposures resulting from the failure of radiation protection controls...". NIOSH reviewed and evaluated each of the incidents that you described and determined that none seemed likely to have resulted in exceptionally high radiation exposures. NIOSH, therefore, could not qualify your petition under the E.5 basis.

NIOSH also evaluated the statements made on the Form B and during the consultation call to support qualification of the petition under the F.1 basis item on the Form B, that radiation exposures and radiation doses potentially incurred by members of the proposed class were not monitored either through personal monitoring or through area monitoring. NIOSH has found that ANL-E had policies in place to monitor radiation doses incurred by members of your proposed class of workers. NIOSH has found that the claimant records provided by DOE for the proposed class of workers include both internal and external dosimetry results for potentially exposed workers. Based upon its review of radiological incidents that occurred during the petition time period, NIOSH found that worker dose assessment was an important part of each incident response. NIOSH did not find evidence that potentially exposed personnel were not monitored and therefore could not qualify your petition under the F.1 basis.

Although not specifically requested by you in your petition or during subsequent telephone conversations, NIOSH did also consider qualification of your petition under the F.2 through F.4 basis items on the Form B. NIOSH did not find any support to qualify the petition under any of the F.2 through F.4 bases.

Enclosed with this letter for your reference, is a copy of 42 CFR Part 83 (pages 486–498). Section 83.11 specifically addresses petitions that do not meet the requirements needed to qualify for evaluation, and Section 83.11 (e) refers to proposed findings. Section 83.11 has been highlighted for your convenience.

You may ask for a review of this finding within 30 calendar days of receiving this letter. If you choose to ask for a review of our finding, please:

1. Make your request in writing;
2. Tell us why you believe our finding should be reversed, based on the information you submitted with your petition; and
3. Send it to the address at the bottom of this letter.

Please remember that an administrative review is based on only the information that is currently part of this petition. You may not send new information as part of a review request. We will consider any new information as a revision of the petition. If you do not

ask for an administrative review, we will close your petition 31 calendar days after the date you receive this letter. Please include your NIOSH SEC Tracking Number (SEC00254) on all correspondence, which should be addressed to:

NIOSH/Division of Compensation Analysis and Support  
1090 Tusculum Avenue  
MS C-46  
Cincinnati, Ohio 45226-1938

If you have any questions regarding your petition, please feel free to contact the NIOSH SEC petition counselor, Josh Kinman. Mr. Kinman can be contacted directly at 513-533-6831 or toll-free at 1-877-222-7570. You can also contact him by email at <dcas@cdc.gov>.

Sincerely,

A handwritten signature in blue ink that reads "Grady Calhoun". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Grady Calhoun, Director  
Division of Compensation Analysis and Support  
National Institute for Occupational Safety and Health

Enclosure



National Institute for Occupational  
Safety and Health  
Robert A. Taft Laboratories  
1090 Tusculum Ave.  
Cincinnati, OH 45226-1938  
Phone: 877-222-7570  
Fax: 513-533-6826

February 27, 2020

SEC Tracking Number: SEC00255



I am writing to let you know that your Special Exposure Cohort (SEC) petition, which includes your Form B and the attachments with your Form B, did not qualify for evaluation. You asked us to consider a class that would include all Research Engineers, Research Scientists and Development Research Managers who worked at the BWX Technologies, Inc. Lynchburg, VA facility from January 1, 1973 through December 31, 1984. Your petition sought to include exposures received at commercial nuclear facilities (i.e., various nuclear power plants across the USA), which are not covered under EEOICPA, during the January 1, 1973 through December 31, 1984 time period.

Two previous 83.14 SEC petitions (SEC-00169 and SEC-00179) for BWX Technologies, Inc. have been evaluated by NIOSH. As a result of those evaluations, the following classes of workers have been added to the Special Exposure Cohort (SEC):

- 1) *All Atomic Weapons Employer employees who worked at BWX Technologies, Inc., in Lynchburg, Virginia from January 1, 1959 through December 31, 1959; and/or from January 1, 1968 through December 31, 1972, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees in the Special Exposure Cohort.*
- 2) *All Atomic Weapons Employer employees who worked at BWX Technologies, Inc., in Lynchburg, Virginia during the period from January 1, 1985 through November 30, 1994, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees in the Special Exposure Cohort.*

During its careful consideration of your SEC-00255 petition and the discussions during our November 22, 2019 consultation telephone call, NIOSH found that you did not provide information to support the qualification basis you asked us to consider. Your petition claimed that radiation monitoring records for members of the proposed class were lost, falsified, or destroyed; or that there is no information regarding monitoring source, source term, or process from BWX Technologies, Inc. Your Appendix Continuation Page, attached to the petition, relates to potential exposure at non-covered commercial facilities. During the consultation telephone call, you indicated that you were not sure you have any basis for thinking that records were lost, falsified, or destroyed. Based on the documents available and reviewed to date, NIOSH does not find support to qualify your petition for evaluation under any petition basis.

You may ask for a review of this finding. If you do, it must be within 30 calendar days of receiving this letter. If you choose to ask for a review of our finding, you must:

1. Make your request in writing;
2. Tell us why you believe our finding should be reversed, based on the information you submitted with your petition; and
3. Send it to the address at the bottom of this letter.

Please remember that an administrative review is based only on the information that is currently part of this petition. You may not send new information as part of a review request. We will consider any new information as a revision of the petition. If you do not ask for an administrative review, we will close your petition 31 calendar days after the date you receive this letter. Please include your NIOSH SEC Tracking Number (SEC00255) on all correspondence, which should be addressed to:

NIOSH/Division of Compensation Analysis and Support  
1090 Tusculum Avenue  
MS C-46  
Cincinnati, Ohio 45226-1938

If you have any questions regarding your petition, please feel free to contact the NIOSH SEC petition counselor, Josh Kinman. Mr. Kinman can be contacted directly at 513-533-6831 or toll-free at 1-877-222-7570. You can also contact him by email at <dcas@cdc.gov>.

Sincerely,



Grady Calhoun, Director  
Division of Compensation Analysis and Support  
National Institute for Occupational Safety and Health

Enclosure



National Institute for Occupational  
Safety and Health  
Robert A. Taft Laboratories  
1090 Tusculum Avenue  
Cincinnati, OH 45226-1938  
Phone: 877-222-7570  
Fax: 513-533-6826

July 31, 2020

SEC Tracking Number: SEC00257

Terrie Barrie  
175 Lewis Lane  
Craig, Colorado 81625

Dear Ms. Barrie:

I am writing to let you know that your Special Exposure Cohort (SEC) petition did not qualify for evaluation. Based on the information you provided on your submitted SEC Petition-Form B, and during our subsequent telephone conversations with you, NIOSH considered the following class of workers for possible addition to the SEC: All employees who worked in any area of the Rocky Flats Plant in Golden, Colorado, during the period from January 1, 1984 through December 31, 1989. After we carefully considered your statements, we did not find sufficient information to support any of the qualification bases.

You identified E.5, F.2, and F.4 as the original petition basis items on the SEC Petition-Form B. During the consultation telephone call on May 18, 2020, you indicated that additional documentation you submitted about a plutonium contamination event on December 3, 1985 should be in support of item E.5. The E.5 basis requires "one or more unmonitored, unrecorded, or inadequately monitored or recorded exposure incidents." NIOSH reviewed the submitted documentation and searched its databases for additional information related to the December 3, 1985 plutonium contamination event at the Rocky Flats Plant.

In the context of qualifying a petition using the E.5 basis, NIOSH regulation, 42 CFR § 83.13 (c)(3)(i) refers to "...discrete incidents likely to have involved exceptionally high level exposures, such as nuclear criticality incidents or other events involving similarly high levels of exposures resulting from the failure of radiation protection controls...". NIOSH reviewed and evaluated the incident you provided documentation for and determined that it did not result in exceptionally high radiation exposures. NIOSH, therefore, could not qualify your petition under the E.5 basis.

NIOSH also evaluated the statements made on the Form B and during the consultation telephone call to support petition qualification under the F.1 basis. This basis requires

that “radiation exposures and radiation doses potentially incurred by members of the proposed class were not monitored either through personal monitoring or through area monitoring.” This basis item was initially submitted under basis item E.5. During the consultation telephone call, we mutually agreed that it be moved to the F.1 basis item. The basis was provided in the form of a cover letter submitted with the SEC Petition-Form B and pertained to the inability to reconstruct uranium doses with sufficient accuracy for the Rocky Flats Plant from January 1, 1984 through December 31, 1989. NIOSH has determined that the Rocky Flats Plant had policies in place to monitor radiation doses incurred by members of your proposed class of workers. NIOSH has found that the claimant records provided by DOE for the proposed class of workers include uranium internal dosimetry results for potentially exposed workers. NIOSH did not find evidence that potentially exposed personnel were not monitored; therefore, we could not qualify your petition under the F.1 basis.

Petition basis F.2 requires “documents or statements provided by affidavit that indicate that radiation monitoring records for members of the proposed class have been lost, falsified, or destroyed; or that there is no information regarding monitoring, source, source term, or process from the site where the energy employees worked.” NIOSH did not find evidence that indicated radiation monitoring records were not available and determined that sufficient source term and process information was available during the January 1, 1984 through December 31, 1989 time period. NIOSH therefore could not qualify your petition under the F.2 basis.

Although not specifically requested by you in your petition or during subsequent telephone conversations, NIOSH did consider qualification of your petition under the F.3 basis item on the SEC Petition-Form B. NIOSH did not find any support to qualify the petition under the F.3 basis.

Petition basis F.4 requires a scientific or technical report which identifies dosimetry and related information that are unavailable for estimating the radiation doses of energy employees covered by the petition. You provided the cover page and page 59 from report DOE/HWP-139 titled “An Assessment and Evaluation for Recycle/Reuse of Contaminated Process and Metallurgical Equipment at the DOE Rocky Flats Plant Site – Building 865” (August 1993). NIOSH has a complete copy of the report in its document holdings. Review of the document determined that it did not provide any new information that was previously unavailable for estimating radiation doses. NIOSH therefore could not qualify the petition under the F.4 basis.

Enclosed with this letter for your reference, is a copy of the NIOSH regulation 42 CFR Part 83 (pages 486–498). Section 83.11 specifically addresses petitions that do not meet the requirements needed to qualify for evaluation, and Section 83.11(e) refers to proposed findings. Section 83.11 has been highlighted for your convenience.

You may ask for an administrative review of this finding within 30 calendar days of receiving this letter. If you choose to ask for a review of our finding, please:

1. Make your request in writing;
2. Tell us why you believe our finding should be reversed, based on the information you submitted with your petition; and
3. Send it to the address at the bottom of this letter.

Please remember that an administrative review is only based on the information that is currently part of your petition. You may not send new information as part of a review request. We will consider any new information as a revision of the petition. If you do not ask for an administrative review, we will close your petition 31 calendar days after the date you receive this letter. Please include your NIOSH SEC Tracking Number (SEC00257) on all correspondence, which should be addressed to:

NIOSH/Division of Compensation Analysis and Support  
1090 Tusculum Avenue  
MS C-46  
Cincinnati, Ohio 45226-1938

If you have any questions regarding your petition, please feel free to contact the NIOSH SEC petition counselor, Joshua Kinman. Mr. Kinman can be contacted directly at 513-533-6831 or toll-free at 1-877-222-7570. You can also contact him by email at <dcas@cdc.gov>.

Sincerely,

A handwritten signature in blue ink that reads "Grady Calhoun". The signature is fluid and cursive, with a long horizontal stroke at the end.

Grady Calhoun, Director  
Division of Compensation Analysis and Support  
National Institute for Occupational Safety and Health

Enclosure