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From:
Sent: Thursday, August 15, 2002 3:01 PM
To: NIOCINDOCKET@CDC.GOV
Subject: comments on Proposed rulemaking, added cohorts, sick or deceased workers.

I have looked at both the DOE announcement in Public Involvement news end of July, 2002, and at the June 25 Federal Register of 25 pages on this Dept labor proposal and on my quick look cannot be sure it is a positive step, but it appears to be an effort to open some added flexibility to add more groups for coverage, DOE workers, ill and/or deceased. I am not sure all the details are there for a person to evaluate, but better layman descriptive submissions to media or to citizens on request seem needed.

First my younger sister applied for the family benefit (as both mom and dad have passed away) in summer of 2001. By about December 2001 us three added siblings did process applications to add to that application of our younger sister, such that it's now been an application in DOE and/or Labor hands over a year, for our family of four children survivors. I have noted DOE issued faster handling for gaseous diffusion plants, and as best I can tell have just this past week added ill worker help through worker compensation cases on source illness from chemicals, etc. In some ways the DOE news articles of the past week sounded like they applied to all of these DOE impacted workers (Like the one "DOE told to give up fight on sickworker claims" Oak Ridger 8-8-2002 or one in Hanfornews "Lack of radiation data troubles feds", August 4, 2002. I contacted local DOE Oak Ridge for a summary of DEPT Labor federal register 25 pages and was sent "DOE Issues Regulations for Program to help employees of DOE Contractors Obtain Workers Compensation Benefits for Work-Related Illness." August 8, but this article, I was told by local Ill worker Office Jackson Square, was not about Y-12 or ORNL workers that were on a path for a dose reconstruction. So It appears DOE treats differing groups of DOE workers in different ways, and even that is a moving target. It's been long term confusion, change, an apparent lack of equity, and missing resources to keep work moving forward. Our family application for a early day Y-12 deceased chemical operator staff is now over a year.

I have obtained and looked over the copy of work records from local FOIA office even before this 2001 application, and exposure data is missing from work I remember my father did. So the file was not a complete one, and I do not know how DOE or Labor dose reconstruction people can factor that in. Further, I have obtained a June 3, 2002 copy of the minutes of the Nuc. Worker Compensation meeting, and on page 50, as only one example of a reference in that 110 page document is the following: ..."And I would like to outline a letter dated Oct 11, 1991 . It is on Martin Marietta letterhead and is addressed to Dr. D.L. Cragle signed by Fredd Mynatt Vice President of Compliance, etc. It says the radiation data from local plants , including Y-12, is not adequate or accurate for internal and external dose reconstruction. Further on page 51 it continues to say that for DOE workers the data stored on history tapes prior to 1989, particularly those associated with internal exposures, were for compliance purpose only and may not be sufficient for dose assessment." It seems to me this and some other content in this public meeting points to serious flaws to look back in time to chemical operators and other groups and be able to do anything near accurate dose reconstruction. And the writer says to ORAU then doing dose reconstruction work , was told it would not , in his estimation , be adequate dose reconstruction computations.

I am hopeful that this present work can assist in moving forward to assist ill workers or family in more prompt manner, and to realize the records are not only old, they are not generated for the purpose the DOE and Dept Labor now tries to use them. I have read article in Knoxville News sentinel about Mr. in May 1, 2002 "Searching for fairness in sick-worker program" and later May 15, 2002 "Life isn't always fair, but this is ridiculous"., after the death of one long ill Y-12 worker, Mr. . Mr. was among 8 men who received heavy radiation dose during the June 16, 1958 criticality accident at Y-12 Nuclear weapons plant. According to the article only a couple of the eight are still living. I have written past letters, some time back, to DOE and/or Dept Labor, but I am trying to give some input on this proposed rule change without full knowledge of what the exact goal and method on the change is. I looked over the material in brief, not easy to grasp with one look. I did call the NIOSH contact to ask for condensed version of the 25 pages in layman terms, got no reply to help understand. So I e-mailed yesterday, and mostly was given reference to a NIOSH web site. On first opening it the current mosquito issue is there, and someplace down in the links of the web site might be something helpful to me, but I did not have some hours to spend searching for helpful information on the web site.

Bottom line. DOE and Dept of Labor is not the former movie actor John Wayne. ("speak low, speak slow, and don't say too much") but you seem to model after a quote intended to avoid a gunfight in the old western. The ill workers need more like Maximize information, and help/communications, and keep going until understanding and communication is adequate. Further, why would DOE offer exposure assumptions to help

for use of flawed dose reconstructions for 2 or 3 groups of DOE workers, and not for the 4th or 5th group exposed DOE workers? I have heard some say no job was more of hazard than that of chemical operator and custodial staff in certain buildings. Where in your references have you built those assumptions into your approach. In addition to the 1958 accident, another was at Y-12 in these recent times.

I am hopeful that your new regulation proposal is improvement to the situation and the status that has been a changing story over a couple years

Respectfully by,
8-15-2002