

NEW EVIDENCE

EXHIBIT H

DOSE RECONSTRUCTION AND  
PROBABILITY OF CAUSATION

This is new evidence. No records are known to exist related to the Mathieson Chemical, Pasadena, Texas plant during the early 1950s. I believe this was done purposefully in an effort to keep all events secret. The secret was kept very well. It seems that no one can find a contract for the uranium operation(s), or any other information related to the plant site. No one knows what actually happened then and, due to all the unknowns, events of that long ago cannot be accurately reconstructed. No one knows work assignments, work schedules, employee practices, planned events, actual events, each individual's idiosyncrasies, or anything else about real conditions that existed in that plant. The lack of sufficient information makes comparison with any other plant impossible. I have tried to gather as much information as possible, but no records were kept. The information is just not there. The real story has certainly not been told by Company officials. If everything at Mathieson Chemical Company was so innocent and harmless as the Company would have us believe, why was it given top secret status? DOE determined in the 1980s that sufficient information was not available to conduct remedial activities, (See Exhibit J) yet DOE seems to think that sufficient information is available to make a Dose Reconstruction Report. Also, regarding remedial activities, some former tenants of this site seem to think more activity concerning uranium in the plant did occur. The Texas Department of Health, in the 1980s seemed to share this opinion. No one seems to be able to find the contract(s). Where is the evidence?

As I have indicated elsewhere, based on information I remember over the years and based on information I have received in retrospect from former employees as well as information I have gathered concerning the operations of Mathieson Chemical Company, I believe that a definite relationship existed between Mathieson chemical Company and Blockson Chemical Company. These companies were both awarded contracts for the period of 1951 – 1953 for the extraction of uranium oxides out of phosphoric acid compounds in a pilot study for the Atomic Energy Commission. Both had profitable, chemical plants already in operation for similar processing requirements. This included similar equipment, trained personnel, and technical support. Phosphoric acid was a feedstock for some phosphate products such as phosphate fertilizer and detergents in addition to uranium. Both companies appeared to be getting the high uranium content ore from Florida. AEC had the patent for production. What would have kept these companies from using the same procedures to obtain the same end result in each location? Seniority records from Mathieson Chemical Company indicate many employees whose seniority began in the period of 1951-1953. No records exist regarding radiation exposure at the Mathieson Chemical site during that period. Page 126 of 236 of

the EEOICPA list of "Covered Facilities", the Facility Name of Mathieson Chemical Co. under "Discussion" states, "There is no description of the quantities of uranium extracted or radiological conditions immediately after cessation of activities." The earliest document for the site is the survey made November 18, 1977 by Oak Ridge Operations (OR) and Oak Ridge National Laboratory (ORNL) personnel shows that "Olin Mathieson Chemical Company had at least one contract for research and development on uranium recovery from phosphoric acid produced at Pasadena." This makes acknowledgement of at least one contract. Everything else is subject to conjecture. Why is the AEC contract (or contracts) with Mathieson Chemical Company not available? I can understand that no records are available from Mathieson Chemical. This operation at Mathieson was a big secret. Even the employees did not know. But why does AEC have no records? And why does NIOSH think they have sufficient information to make a Dose Reconstruction Report when nothing is known about the plant site, the work done there, and the conditions under which this was done? No other site can be compared to this because no records exist as to individual employees and their work schedules. And why did \_\_\_\_\_ after approximately 29 years as an employee at this Mathieson site, have four diseases indigenous to this radiation exposure? I am referring to cancer of \_\_\_\_\_ and cancer of \_\_\_\_\_ definitely confirmed, \_\_\_\_\_ disease mentioned in reports of his medical history, and \_\_\_\_\_ disease mentioned in his medical reports shortly before he died. (See Exhibit E.)

I am submitting affidavits from four former Mathieson Chemical employees and one former International Representative of Oil, Chemical and Atomic Workers International Union. Each of these affiants states that he did not know about the presence of uranium or its hazardous waste products in the plant and that no safety precautions were taken, no warning signs were posted, no monitoring was done, no monitoring devices were worn, and neither he nor other employees knew that employees were in danger of exposure to hazardous materials. (See Exhibit B and Exhibit C.) Olin Mathieson Chemical Company bought Blockson Chemical Company in 1955. Many records exist as to what occurred at the Blockson Chemical location. I refer you to the "Evaluation Report Summary: SEC-00058, Blockson Chemical" dated July 2, 2007 and prepared by NIOSH for SEC Petition Tracking # SEC-00045. No records are available for the Mathieson Chemical plant site.

In 1951, after being awarded the government contract, Blockson began research to develop a process to extract uranium from phosphoric acid. In July 1951 Blockson had developed an effective economic process for doing this. This research resulted in a patent for this process. This patent (USP 2743156) was assigned by Blockson to the Atomic Energy Commission because AEC had funded the research. At this time a friendly business associate (Mathieson Chemical) was sitting there ready to go into production with this process. Perhaps this also explains why the activities at Mathieson were so secretive. Profits could be made but there would be no accountability if no one knew about it. This was their patriotic duty, anyhow! The EEOICPA was passed to compensate victims of situations like this. I have no documented evidence of this, but it seems there is no documented evidence of anything.

As I stated elsewhere, the first Dose Reconstruction Report I received showed that DOE had verified [redacted] was an employee of Blockson Chemical Company in Joliet Illinois from [redacted] 1949 through [redacted] 1979, was diagnosed with [redacted] in 1986 and [redacted] in 1994. This report also shows that 25 employees had been monitored. This report was made in October 2003 using the document "Basis for Development of an Exposure Matrix for Blockson Chemical Company" prepared for the EEOICPA project. I informed NIOSH that this report did not apply to [redacted]. The last Dose Reconstruction Report I received indicated that the DOL had verified that [redacted] worked at Mathieson Chemical Company from 1949 through 1979 and was diagnosed with [redacted] in 1986 and [redacted] in 1994. This report was completed 03/13/2004 using the "Technical Information Bulletin: Technical Basis for Estimating the Maximum Plausible Dose to Workers at Atomic Weapons Employer Facilities" prepared for the EEOICPA project. This preparation date of this Dose Reconstruction Report is before March 23, 2004 when DOE had verified [redacted] employment as well as before [redacted] 2004 when DOL had received proof of employment which had been requested from me. (See Exhibit F.)

In my EEOICPA Claim, I had referred to [redacted] cancers as cancer [redacted] in 1986 and cancer [redacted] in 1994 because that is the way they are shown on his death certificate, and these are listed as "specified cancers". The dose reconstruction reports refer to his cancers as cancer of the [redacted] and cancer of the [redacted]. Cancer of [redacted] and cancer of [redacted] might mean the same thing, because some of his medical records do refer to cancer of the [redacted]. The reason I mention this is because Federal Register / Vol. 69, No. 104/Friday, May 28, 2004 / Rules and Regulations, states that the definition of "specified cancers" includes [redacted] cancers which have been determined by DOL to be a "subset" of cancer of the [redacted] for the purposes of compensation for members of the Cohort. My question is whether or not cancer of the [redacted] and cancer of the [redacted] are given the same weight or consideration when added to the numbers used in probability of causation.

[redacted] actual period of employment at Mathieson Chemical was [redacted] 1949 through [redacted] 1978. I remember very well that one morning when I was at my workplace, [redacted] called me to say that he was no longer employed at Mathieson. This was about a week or so before [redacted] wedding. We had made great plans, some quite expensive for us, for [redacted] wedding where we and friends and relatives would go to a small town in the northern part of Texas for the wedding. We were shocked about the unemployment, but we assured [redacted] that [redacted] unemployment would not make a difference in the wedding plans. [redacted] wedding was on [redacted] 1978 as planned. After we came home from the wedding, [redacted] started looking for a job. After [redacted] employment ended at Mathieson in [redacted] 1978, he became employed at GAF Corporation in Texas City, Texas. I have a copy of [redacted] W-2 form from GAF Corporation for employment in 1978. A copy of this W-2 was sent as part of the proof I was requested to provide to DOL to verify [redacted] employment. This was to signify that his employment at Mathieson Chemical ended in 1978. This date is probably not significant in regard to my EEOICPA claim (1978 vs 1979) except to add another instance of discrepant DOE records. It appears that records of Mathieson Chemical and

Blockson Chemical may have been intermingled at DOE. I have not received explanation about any of this. It is really not clear what information was used in my claim, or why. I felt I was being pressured for a closing interview. I was afraid they were going to close my claim using incorrect information.

After my claim was denied, I requested a Hearing. I was told in the Hearing on September 1, 2004 that the Dose Reconstruction Report could not be changed. The Hearing Representative said she was not qualified to discuss the methodology employed by NIOSH in preparing the dose reconstruction report. The "methodology" is not all that is involved here. However, any further action on my claim will have to involve this Dose Reconstruction Report without addressing any of the other questions I have as to the possibility that this Dose Reconstruction Report is based on a case of mistaken identity, as well as false information given by Mathieson officials regarding the project. When these reports were made, place of employment had not been verified. Also, at that time, I had not given sufficient information in my claim about job duties because I had not known this information and I did not know what information was significant to the claim. I also was still trying to get more medical information. In addition to this, I did not know at that time that the only part of the plant site which was being considered for this claim was a one room (12 x 14 ft) in a one story building which was described in a survey made by ORNL in 1977 (approximately 25 years later). This survey was based on information given by Mathieson officials who alleged that the entire uranium project was confined to this one room from 1951 – 1953. No records were kept.

I appealed and was again denied. I was told in my letter of denial that my objections were challenges to the dose reconstruction methodology and cannot be addressed by the FAB per 20 C.F.R. 30.318(b) and also that I was making a challenge to fact, in this case, the EEOICPA. My claim had passed all other requirements. I am not challenging the law. I am challenging the application of the law and the manner in which my claim was handled. It seems to me that, since the Dose Reconstruction Report could not be challenged and because the Hearing Representative seemed to have no authority, the purpose of the Hearing was only to "kick the can down the road". I am requesting that all the changes and revisions to material used to process claims since February 9, 2005, when the last action was taken on my claim, be considered in a review of my claim. Many groups have been designated as Special Exposure Cohorts due to decisions which have been reversed since 2005. Blockson Chemical Company, and others who had operations similar to Mathieson Chemical's operations are in that group. (See Exhibit G.) A great deal of new information has come out, new scientific information is being used, and determinations previously made regarding Dose Reconstruction Reports have been revised. I believe that I should be given the same consideration as other claimants. I believe that I and employees at Mathieson Chemical should be designated as Special Exposure Cohorts.

The above-mentioned SEC Petition Evaluation Report – Petition SEC-00058 dated July 2, 2007 gives detailed information of all phases of claims from employees of Blockson Chemical Company, detailed information related to recovery of uranium from phosphoric rock, and processing information as well as packaging of uranium concentrate for

shipment to the USAEC, radiological exposure sources, information from monitoring sources, and much more. This document also addresses contradictory information in some literature regarding the total uranium production. Could this be another instance that records of Mathieson Chemical and Blockson Chemical have been intermingled?

According to the above document dated July 2, 2007 (5.1 – Blockson Chemical Plant and Process Descriptions), I quote “The Blockson Chemical Company produced technical grades of sodium phosphate compounds, such as disodium and trisodium phosphate, from phosphate rock obtained mainly from Florida sources. The naturally-occurring uranium content of the phosphate rock averaged about 0.014%  $U_3O_8$ . In the early 1950s, the U. S. Atomic Energy Commission (AEC) approached Blockson Chemical Company about the possibility of recovering uranium from the phosphate rock they processed (Stoltz, 1958). On March 6, 1951, the AEC entered into letter contract number AT(49-1-606 with Blockson Chemical Company to develop a process to extract uranium from wet phosphoric acid (DOE, 1985). Laboratory studies began at Blockson at about that time (Stoltz, 1958). Due to the urgency of the program, pilot plant construction began simultaneously with the start of laboratory work (Stoltz, 1953). Documentation indicates that pilot runs lasted about three weeks, 24 hours a day, at 25% of expected production capacity. Several runs were performed: April 29, 1951 to June, 1951; July 23, 1951 to August 10, 1951; and November 25, 1951 to January 6, 1952 (Stoltz, 1953). Various uranium recovery methods were investigated and tested through pilot plant runs, and in July 1951, Blockson had determined the most effective process (Lopker, 1951). From a process and an economic standpoint, using chlorine as an oxidizing agent and then adding sodium hydrosulfite to cause precipitation was determined to be the best option (Stoltz, 1953). Based on existing production, uranium production capacity was estimated to be 50,000 pounds per year on the basis of uranium oxide (yellowcake) containing 50% to 60%  $U_3O_8$  (Lopker, 1951).” The period of the pilot plant contract at Mathieson Chemical was said to be 1951 – 1953 in one small room.

The above contract number AT(49-1)-606 was replaced by contract number AT(49-1)611 on October 18, 1951. On August 15, 1952, Blockson began production and delivery of uranium concentrates to the AEC. The above-mentioned document dated July 2, 2007 also states, “The total amount of uranium produced at Blockson from 1955 through 1962, is not precisely known; however information from a former AEC official indicates that from September 1952 through June 1960, a total of 118.3 tons of  $U_3O_8$  had been produced for the AEC. Per a contract amendment in 1958, production was limited to 50,000 pounds of  $U_3O_8$  per year (DOE, 1985). This would have been an average of about 1 drum of yellowcake per week. The AEC reported in December 1955 that Blockson had produced a total of 121,400 pounds in the 40 months of Blockson operations to that point, an average of about 3,035 pounds of  $U_3O_8$  per month through 1955. In 1955 the Blockson Chemical Company was sold to the Olin Mathieson Chemical Corporation, which assumed the liabilities and obligations under all Blockson contracts. The contract was amended in 1958, primarily to change the pricing structure for uranium. Production was also limited by this amendment to no more than 50,000 pounds of uranium concentrate per year starting in 1958 (DOE 1985). The 1958 contract also removed the provision that made Blockson responsible for the health and safety of the workers. In

March 1962, the uranium extraction work ended when the contract expired (DOE, 1985).” As this states, Olin Mathieson Chemical Corporation assumed the liabilities and obligations under all Blockson contracts. Table 5-1: Blockson Chemical Development Chronology shows, “Contract amended; contract work transferred from Blockson Chemical Company to Olin Mathieson Chemical Corporation”. Could this also mean that contract work was transferred to another Olin Mathieson Chemical Corporation work site? Clearly more work could be done in Texas than the alleged work in an 8 x 12 ft room. Even if nothing else was considered, the increase in the pile of waste materials would attest to this. Could this be part of the secret that was being kept?

The document continues, “There is contradictory information in some literature regarding the total uranium production through 1955. A Department of Energy FUSRAP Report (DOE, 1985) indicates that 1.22 million pounds of uranium concentrates had been produced by the end of calendar year 1955. This is apparently an overestimate by a factor of 10 based on total production through 1955 given above. In order to produce 1.22 million pounds of  $U_3O_8$  in that timeframe, Blockson would have had to double the capacity of the entire facility, use phosphate ores with the highest known uranium content (0.03%), and extract 100% of the uranium throughout each of its processes. In reality, uranium content of Florida phosphate ore averages 0.011% and maximum recovery for uranium for the various processes is 85% for rock digestion, 90% for monosodium phosphate precipitation, and 95% for  $U_3O_8$  precipitation and upgrading. Those values, along with a throughput of 6,000 tons per week, were used to estimate the upper bound of production to be 50,000 pounds of  $U_3O_8$  per year (Lopker, 1951). The 1955 AEC reports on the quantities of uranium produced through June 1960 indicate that, on average, Blockson produced less than 35,000 pounds per year. Documentation also indicates that on at least one occasion, uranium recoveries at Blockson were less than planned. Blockson attributed these lower recoveries to differences in the phosphate rock feed received by the plant (OCAS-TKBS-0002, Rev.01).” How many pounds are being discussed when the amount is indicated as “less than 35,000 pounds”? This information appears indecisive to say the least. It seems that someone other than Mathieson Chemical had a “records” problem. Which figures are correct? Could this be another instance when records of Blockson Chemical and records of Mathieson Chemical were intermingled? Could it be possible that some of this production was actually done at Mathieson Chemical Company in Pasadena, Texas? Could this be the reason why activities there were top secret? In the above-mentioned report, NIOSH continued to contend that standards of performance had been complied with in determining that it would be feasible to reconstruct the dose for the class proposed in the Blockson petition.

According to SEC Petition Evaluation Report – Petition SEC-00058, dated July 2, 2007, (Page 11 of 50), “Based on its research, NIOSH modified the petitioner-requested class to define a single class of employees for which NIOSH can estimate radiation doses with sufficient accuracy. The NIOSH-proposed class includes all Atomic Weapons Employer personnel who worked on activities related to the production of uranium at Blockson Chemical Company, Joliet, Illinois, from January 1, 1951 through December 31, 1962. The class definition was modified because some uranium recovery-related work was performed in areas outside of Building 55. This related work included phosphate rock

calcinations and crushing, as well as phosphoric acid production, which included a chemical oxidation step. Additionally, Research work on uranium recovery in the laboratory and in a pilot plant was conducted in other locations and prior to the 1952 construction of Building 55.”.

Regarding the “other locations” referenced above, consideration must be given to Blockson Chemical Building 40, formerly known as Building 25. On page 16 of 50 in the document of July 2, 2007 mentioned above, contract number AT(49-1-611 dated October 18, 1951, was awarded and under this contract Blockson began construction of Building 55 to house uranium recovery equipment at their plant in Joliet, Illinois. “Laboratory work and pilot studies continued during construction of Building 55 in an effort to further improve uranium recovery processes. The uranium recovery plant was constructed to recover uranium from phosphoric acid being produced by Blockson from normal commercial operations. On August 15, 1952, Blockson began production and delivery of uranium concentrates to the AEC (Storz, 1958).” Also “Blockson sent written correspondence to the AEC on July 31, 1951 (Lopker, 1951) in which the uranium recovery process is outlined. The letter includes best estimates of production, fixed capital requirements, manufacturing costs, and general contract conditions that Blockson required. The letter states that all process equipment could be housed in the new building (Building 55) with the exception of: (1) an 8x12 (units unstated) filter to enable all Blockson’s liquors to be processed through the monosodium phosphate step; and (2) a monosodium phosphate liquor storage tank to provide storage capacity for monosodium liquors from which the uranium had been removed. These two items, with associated pumps and other accessories, were to be located in their existing plant buildings where those respective operations were currently being carried out. (This would be Building 40.) Additionally, the chlorination of the acid would also have to be performed in the building where the phosphoric acid was being produced. This building, according to former Blockson employees, was Building 40, previously known as Building 25 (NIOSH, 2007).” Also, according to a former Blockson worker, “66% sulfuric acid was sent to Building 40, where it was further diluted with water. Since the dilution of sulfuric acid is an exothermic process, the temperature of the resulting liquid would be above ambient. According to another former worker, the tanks contained steam coils to heat the sulfuric acid further.” Also on page 23 of 35 of this draft, “The size of the interior of Building 40 plays an essential role in calculating the radon concentration in the ambient air: the larger the space, the lower the concentration. A former Blockson worker furnished SC&A and OCAS a plan of the Joliet plant and marked the location of Building 40 on this drawing (see Figure B-1). We used that drawing to identify Building 40 on a drawing of the plant showing soil sampling locations (Wynveen et al. 1983, Figure 10), which is reproduced in Figure B-2, with the location of Building 40 shown in red. We used the map scale displayed in the drawing to estimate the dimensions of Building 40. The interior is assumed to be 32 ft (9.75m) high, the same as building 55 (Lopker and Block 1951, Appendix B).” This is considerably larger than a 12 x 14 ft room with no air conditioning or ventilation. Also “According to one worker: The plant was generally a closed plant with just a few doors. There were small windows at the very top of the plant<sup>5</sup> but he never saw them opened or could not say for sure if they could be opened. The few doors would be propped open during the hot summer months. There were a lot



of fumes in the plant.... There was a stack that vented the tanks, but without forced air. (Tomes 2008a)<sup>6</sup>.” Another worker stated: “The building had roof vents and roof fans. He said there were windows or openings on the first floor that allowed air to enter the building that could be pushed out, but were generally closed. He said they were on the long sides (of the rectangular building) and were about 3 feet by 5 feet. They supplied ventilation air for the digestors on the second floor. (Tomes 2008b)<sup>3</sup>.” Both workers stated that new ventilation was installed or existing ventilation upgraded some time between about 1960 and 1980. Under B.3 – Methodology – “Radon could have been released into Building 40 through two mechanisms: (1) Emanation from ore within the building, before, during, and after the grinding of the ore, and (2) Evolution from the hot sulfuric acid after the crushed ore is dissolved”. According to page 30 of 35, of this revised draft, in an attempt to determine the size of Building 40, “The most applicable data was presented by Parker (1985), who measured the air exchange rates in two industrial buildings, using SF<sub>6</sub> as a tracer. One building was a machine/wood shop, with a floor area of 20,000 ft<sup>2</sup> (1,860 m<sup>2</sup>). This is comparable to the area of Building 40, which is estimated to be 1,776 m<sup>2</sup>. General ventilation of the shop is through 12-ft x 25-ft bay doors, which were opened periodically during the 2-h period of measurement. The shop does not have a central HVAC system – local ventilation is provided for welding or metal stripping.” Please note this information in relation to the 12 x 14 ft room in Pasadena, Texas.

I respectfully request that you consider the size of building 40 at Blockson which was used (along with other areas of the plant site) in their AEC contract dated March 6, 1951 until construction of Building 55 was completed and the recovery plant was put into operation on August 15, 1952. At that time this building was continued to be used as part of the recovery plant. Building 55 was used along with Building 40 and other parts of the Blockson plant site for the recovery operation. In comparison, the building at Mathieson Chemical which was alleged to comprise the entire pilot plant operation for the period 1951 – 1953, was one room (12 x 14 ft) in the west end of the old administration building, which was a one-story building and had no air conditioning. This one room “plant site” is now being used for storing janitorial equipment. Please explain to me why similar pilot plant contracts for the same period of time required such a difference in space and equipment. Perhaps this could have some bearing on the secrecy surrounding the Mathieson contract.

Building 55 was also a tall building. This building was said to be 32 ft high, which is the same height as Building 40. Table 5.1 shows Building 55 to be a brick building of approximately 18,900 ft<sup>2</sup>.

Documentation in “Revised Draft – Evaluation of Radon Levels in Building 40 At Blockson Chemical – Prepared by S. Cohen & Associates of Vienna, Virginia 22182, dated August 12, 1008”, states “The root cause of the radon issue at Blockson is that there are no identified measurements of radon at Blockson Chemical during the SEC qualification period of January 1, 1951, to December 31, 1962. The only available measurements were made during an industrial hygiene survey conducted in 1983 by the Olin Corporation, the then owner of the Blockson site (Marseglia 1983). These



measurements were made well after the cessation of uranium extraction activities conducted in Building 55 and consisted of 10 radon working level (WL) measurements in various indoor and outdoor locations at the site. Although these data are of interest, there is some question as to whether they can be used to reconstruct radon exposures of workers decades earlier. To remedy this limitation, Tomes and Glover (2007) used radon measurements collected at other phosphate facilities (i.e., surrogate data) as the basis for reconstructing radon exposures of Blockson workers during the qualification period. Hence there is some question whether the surrogate data can reasonably be used to bound the exposures at Blockson during this period. The following sections explore this issue.”. The following sections state in part, “The surrogate data in ORAUT 2006 upon which the Blockson bounding radon exposure is based are from a report by Birkly et al. (1998) and consist of measurements made in a number of phosphate plants in Florida. The plants employ the wet production process for phosphoric acid, similar to the process at Blockson, and the radon measurements presented were made at various locations throughout the plant. Those measurements made in locations obviously not representative of phosphoric acid production, e.g., mining rock tunnels, wet rock loading, and mining operations, were appropriately excluded from the dataset.” Information in the same document (page 8 of 35) states, “Since there are no measurements before the mid-to-late-1970s from phosphate plants, it is not possible to compare radon levels from the two time periods. As reported in one of SC&A’s earlier white papers, based on available information (Birky 2005), SC&S then believed that the plant processes did not change significantly over the time frames involved, and that there were few, if any, process modifications instituted in the plants to reduce radon levels. There were personnel protective measures (e.g., the wearing of dust masks) and personnel monitoring (e.g., TLD monitoring) instituted at some phosphate plants. SC&A concluded at that time that the use of the later data, as described in OTIB-0043, especially the 95<sup>th</sup> percentile data (perhaps as revised), represents the earlier exposure conditions at Blockson in a sufficiently claimant-favorable fashion. However, the work group requested that SC&A and NIOSH explore this matter further.” Please remember that this draft was made August 12, 2008 which was before the determination was made that Dose Reconstruction at Blockson Chemical was not feasible and before Blockson Chemical employees were designated as a Special Exposure Cohort class. Also, please remember that at Mathieson Chemical Company in Pasadena, Texas, no monitoring was done, no protective equipment was worn and no records were kept.

Regarding Site Profile Technical Basis Documents (TBDs), also on page 11 of 50, “A Site Profile provides specific information concerning the documentation of historical practices at the specific site. Dose reconstructors can use the Site Profile to evaluate internal and external dosimetry data for monitored and unmonitored workers, and to supplement, or substitute for, individual monitoring data. A Site Profile consists of an Introduction and five Technical Basis Documents (TBDs) that provide process history information, information on personal and area monitoring, radiation source descriptions, and references to primary documents relevant to the radiological operations at the site. The Site Profile for a small site may consist of a single document. As part of NIOSH’s evaluation herein, the following TBD’s were examined for insights into Blockson operations or related topics/operations at other sites:”. To continue, these documents are

shown as “Basis for Development of an Exposure Matrix for Blockson Chemical Company, Joliet, Illinois; Period of Operation: March 1, 1951 through March 31, 1962, ORAUT-TKBS-0002, Rev. 01; June 29, 2004; SRDB Ref ID: 19480 (NOTE: This document superseded by OCAS-TKBS-0002)”. The next document is “Technical Basis Document for Atomic Energy Operations at Blockson Chemical, Joliet, Illinois, OCAS-TKBS-0002, Rev. 0; September 11, 2006; SRDB Ref ID: 31921”. The next and last document is shown as “Technical Basis Document for Atomic Energy Operations at Blockson Chemical, Joliet, Illinois; OCAS-TKBS-0002, Rev. 01; June 20, 2007; SRDB Ref ID: Not currently available in the SRDB”. Please review these documents. Please note that they are dated June 29, 2004, September 11, 2006, and June 20, 2007 respectively. They are basically the same document, with revisions, and were made of Blockson Chemical Company approximately 50 years after the awarding of the government contract to Blockson (the same as the contract to Mathieson for the same time period of 1951-1953) to “extract uranium oxides out of phosphoric acid compounds in a pilot study for the Atomic Energy Commission”. These documents were all made while NIOSH was continuing to state that the documents contained sufficient information for making Dose Reconstruction Reports. Later the determination was made that making Dose Reconstruction Reports for these Blockson Chemical employees was not feasible.

No mention is made of conditions in Mathieson Chemical Company in Pasadena, Texas for this period. Mathieson Chemical was also a profitable chemical company (\$366 million in sales in 1954) and, after merging with Olin in 1954, bought Blockson Chemical in 1955. I am sure there are many things I do not know about Mathieson and Blockson, but this makes me wonder if the “secret” at Mathieson, which was being kept by company and government officials was also being kept by others. Please explain why AEC does not have any records of the contract (or contracts) made with Mathieson.

Another discrepancy I have noticed is that the “Basis for Development of an Exposure Matrix for Blockson Chemical Company” prepared for the EEOICPA project and used in the Dose Reconstruction Report prepared for my claim indicates that 25 workers were monitored at Blockson between 1954 and 1958.

In October 2003 a Technical Basis Document for the Development of an Exposure Matrix for Blockson Chemical Company was approved. This is probably the document that was used for my first Dose Reconstruction Report which was made in October 2003. This Technical Basis Document was revised June 29, 2004. A Special Exposure Cohort Petition was received from Blockson Chemical Company October 24, 2005. Another Petition for a different time period was filed later and both petitions were merged into one petition and qualified for evaluation. A Special Exposure Cohort Petition Evaluation Report for Blockson Chemical Company was approved September 5, 2006. The Technical Basis Document for Atomic Operations at Blockson Chemical Company, Joliet, Illinois was revised September 11, 2006 and revised again June 20, 2007. On July 31, 2007 the decision was made that it is not possible to determine the magnitude of the change to dose without a new dose estimate and that a new dose reconstruction would be completed for each of the claims using the latest revision to the Blockson TBD. I was not contacted regarding a new dose estimate. On November 21, 2007 the Technical Basis

Document was revised again. Subsequent to all these changes and consideration of other factors, the determination was made that it is not possible to reconstruct radiation doses for the proposed class. Employees of Blockson Chemical Company from March 1, 1951 to June 30, 1960 were designated as members of the Special Exposure Cohort on September 3, 2010. There was a tough battle and it is gratifying to know that these deserving victims are finally being compensated for the unconscionable way they were treated. How many have died in the approximately ten years of fighting for this award? I am requesting that the same consideration be given to my claim. No action has been taken on my claim since February 9, 2005.

NIOSH had not been able to locate data or a situation it could use to validate the model they had been using in dose reconstruction reports. The HHS document "Designating a Class of Employees from Blockson Chemical Company, Joliet, Illinois" on September 3, 2010, states "There are virtually no monitoring data from phosphate plants from the 50's or 60's. NIOSH has not reconstructed doses by modeling radon exposure at any other covered facilities.", and "The lack of any radon monitoring data from the years of the proposed SEC class, or from a time period even particularly close to those years, carries weight as an argument to support adding the class." as well as "The principal source of external radiation exposure for members of the proposed class was exposure to naturally occurring radioactive constituents contained in phosphate rock, yellowcake, natural uranium and thorium, and all their associated progeny." What about Mathieson Chemical? No records were kept. Please remember that the site information shown on page 126 of 236 of the EEOICPA sites listed gives only information by DOE from a survey made in 1977 which was by the direction of company officials on one 12 x 14 ft room for a contract period of 1951 – 1953. (See Exhibit A.) No mention is made of survey or inspection of any other part of the plant. Mathieson had basically the same operation as Blockson. Employees at Mathieson (who merged with Olin in 1954) had heard that Blockson was a similar plant when Blockson was bought by Olin Mathieson in 1955. What about records that DOE and AEC should have had about Mathieson? Did anyone listen to anything from anyone except the employers who are now known to have deceived and victimized these employees? Why would a contract with Mathieson Chemical extend for the period of 1951 – 1953 covering activities only in one 12 x 14 ft room after the friendly Blockson Chemical had developed an effective, economic process for uranium recovery in July 1951? The patent for this process belonged to AEC because they had funded the research. Why were Mathieson Chemical employees not told about this operation? Why do you think it was so important to keep this secret? How many other officials of plant sites covered under the EEOICPA did this same thing to their employees? The answer is that there were enough for Congress to pass the EEOICPA. Company officials as well as Government officials made an unusual visit to the home of the widow of Lab employee, Harold Sheffield, after his sudden death at Mathieson Chemical in 1953. Why?

Please remember that Mathieson Chemical also had a period of Residual Radiation 1954 – October 2009. As of October 31, 2008, the Revised Period of Potential Residual Contamination was revised to 1954 – present.

I filed my claim in 2002 and the last action on my claim was in 2005. In the letter denying my claim I was told that my claim could be reopened if I had new evidence. I was too depressed, tired, and disgusted to do anything else until lately when friends have encouraged me. Mathieson Chemical is the "forgotten" plant. No records were kept, yet NIOSH claims to have "sufficient evidence" to make a dose reconstruction report. How do you get "sufficient evidence" when there is no evidence? How do you compare when there is nothing to compare? How can events of over fifty years ago be accurately reconstructed? I have already filed a claim and been denied due to a dose reconstruction report based on estimates and assumptions. Incorrect information given by company officials for events which occurred over fifty years ago is being used. Because no records are available, am I precluded from qualifying for the SEC because NIOSH can invent records? How can risk be measured when nothing is known? How can you know how high anything is when you do not know where the bottom or the top or anything in between is? When employees are placed in harms way without their knowledge or consent and without any monitoring or safety precautions, someone should be held responsible. This is moral as well as ethical irresponsibility. Some would call it homicide. Congress recognized that these victims should be compensated and passed the EEOICPA. The law has not helped in my situation, although these "scientific" enigmas did seem to make some feel better about issuing denials in 2005. Please consider these things when making the decision that making a Dose Reconstruction Report would not be feasible.