

Miller, Diane M.

From: Ken Groves [ken.groves@ucop.edu]
Sent: Tuesday, December 04, 2001 2:11 PM
To: NIOSH Docket Officer
Cc: Prob of Causation UC Group; Buck Koonce; Howard Hatayama; John Ahlquist; Kate Bannan; Bobbi Perkins-Hill
Subject: University of California Comments
Importance: High



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Find attached the University of California's comments on the proposed rulemakings: 42 CFR Part 81, Guidelines for Determining the Probability of Causation Under the Energy Employees Occupational Illness Compensation Program Act of 2000 and 42 CFR 82, Methods for Radiation Dose Reconstruction Under the Energy Employees Occupational Illness Compensation Program Act of 2000.

Please confirm that you recieved this message and could open the attachment; we will be following up with a mailed copy. Thanks.

If you have questions please call: Ken Groves, Assoc. Dep. Dir., ES&H at (505)588-9064 or e-mail me at: ken.groves@ucop.edu



OFFICE OF THE VICE PRESIDENT –
LABORATORY MANAGEMENT

OFFICE OF THE PRESIDENT
1111 Franklin Street, 5th Floor
Oakland, California 94607-5200

December 4, 2001

NIOSH Docket Officer
Robert A. Taft Laboratories
M/S C34
4676 Columbia Parkway
Cincinnati, OH 45226
E-mail: NIOCINDOCKET@CDC.GOV

Subject: Comments on Proposed Rulemaking: 42 CFR Part 81, Guidelines for Determining the Probability of Causation Under the Energy Employees Occupational Illness Compensation Program Act of 2000 and 42 CFR 82, Methods for Radiation Dose Reconstruction Under the Energy Employees Occupational Illness Compensation Program Act of 2000

Dear Sir or Madam:

The University of California manages three national laboratories for the U.S. Department of Energy and the National Nuclear Security Administration. The three laboratories are: Los Alamos National Laboratory, Lawrence Livermore National Laboratory and the E.O. Lawrence Berkeley National Laboratory. For the purpose of the proposed rulemakings: 42 CFR Part 81, Guidelines for Determining the Probability of Causation Under the Energy Employees Occupational Illness Compensation Program Act of 2000 and 42 CFR 82, Methods for Radiation Dose Reconstruction Under the Energy Employees Occupational Illness Compensation Program Act of 2000, the University of California, Office of the President, Laboratory Administration Office is commenting for the University and all three University of California national laboratories.

The University of California and its national laboratories fully support Congress's intent to compensate deserving workers in a fair and timely manner. We do not want

to delay implementation of the program; however, the University does have one concern. Because of uncertainties in the process of determining if a cancer was “more likely than not” of having a work-related origin it is possible that an individual whose dose is at or below the current radiation protection standards could be compensated. This would have far-reaching implications relative to the standard-setting process and might be seen as establishing new standards without benefit of public comment. It is vital that implementation of Congressional intent be accomplished based on sound science reflecting a broad consensus among the scientific community. Anything less could lead to unintended consequences and potentially undermine the regulatory standards setting process.

The University of California and its three national laboratories have considerable experience and expertise in radiation dose reconstruction and the underlying scientific basis for currently acceptable practices. The University stands ready to provide assistance with the processes described in the proposed rulemakings and is committed to supporting the proposed rulemaking using the best available science.

Thank you for the opportunity to comment on this important rulemaking.

Sincerely,

/s/

James F. Koonce

Executive Director for Operations

Copy to:

Howard Hatayama, ES&H Director, UCOP

Kate Bannan, UCDC Office

Laboratory ES&H Directors

Laboratory RADCON Managers