From:	DanMcKeel2@aol.com
To:	NIOSH Docket Office (CDC)
Cc:	danmckeel2@aol.com
Subject:	Docket 140 (GSI) submission
Attachments:	Katz_DM2PLZemailCirc_5.17.11.pdf

July 22, 2011

NIOSH Docket Office:

Please accept the attached 94K PDF file <Katz_DM2PLZemailCirc#290AB3.pdf> for DOCKET 140. It is most important that the NIOSH schedule for producing ten new exposure models applicable to the General Steel Industries EEOICPA AWE site be placed on the public docket record.

The material submitted relates to a proposed schedule by NIOSH to rewrite 10 sets of "exposure models" based on aspects of dose reconstruction ("DR") at the General Steel Industries ("GSI") site in Granite City, IL. NIOSH proposes releasing these new exposure models in two batches. Four (4) will be released on July 29, 2011, and the remaining six (6) exposure models will be released on December 30, 2011. A TBD-6000 work group meeting to consider the first four models has been scheduled for September 17, 2011, after the full Board next meets. It is clear that my predictions at the Oct. 10, 2010 TBD-6000 work group meeting that the David Allen NIOSH "path forward" for GSI would take many months and probably years to implement was quite on target. I believed than and feel now even more strongly this is high claimant adversarial. The Board could vote now, at any time, to reverse NIOSH's' recommendation to deny SEC-00105. That would be the fair and equitable path forward for the Board to take with respect to GSI claimants.

In an accompanying letter I wrote to Dr. Paul Ziemer, head of the TBD-6000 work group, the acknowledgment by NIOSH that all new exposure models (as opposed to real data measurements) must be developed is a tacit admission that NIOSH is unable, using methods in Appendix BB Rev 0 to TBD-6000, to reconstruct doses at GSI with sufficient accuracy. The need to develop ten new exposure models is a further admission by NIOSH that its evaluation of SEC-00105 for GSI was inaccurate in stating that NIOSH was able to reconstruct doses at GSI for all class members with sufficient accuracy as called for by the Act.

By now, more than 94% of GSI DR have been completed using the scientifically flawed June 2007 Appendix BB. Most or all of these denied claims will have to be reopened and new DR completed at a huge cost using the 10 new exposure models. That assumes that the Advisory Board on Radiation and Worker Health ("ABRWH") and SC&A, their scientific contractor, find the models to be scientifically robust and valid. That is a major assumption that is open to serious question and challenge.

Worse, the GSI 83.13 SEC-00105 approval has been delayed for more than 3 years based on NIOSH's recommendation to deny. This recommendation was obviously premature and needs to be revised and reversed. There is no monitoring data of any kind for the first 10 years of the covered period from 1953 to 1966.

Thank you for your consideration of my request.

Sincerely,

-- Dan McKeel, GSI SEC-00105 co-petitioner

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Subj:	**RE: General Steel Industries (msg 2), reply**
Date:	Tuesday, May 17, 2011 10:44:42 AM
From:	tmk1@cdc.gov
To:	DanMcKeel2@aol.com

Hi Dan. I've circulated your letter per your request. --Ted

From: DanMcKeel2@aol.com [mailto:DanMcKeel2@aol.com]
Sent: Tuesday, May 17, 2011 10:29 AM
To: pl.ziemer@comcast.net; Katz, Ted (CDC/NIOSH/OD)
Cc: crnfld@hotmail.com; Hinnefeld, Stuart L. (CDC/NIOSH/OD); melius@nysliuna.org; DanMcKeel2@aol.com; Allen, David (CDC/NIOSH/OD); jmauro@scainc.com; Robert_Stephan@mail.house.gov
Subject: Re: General Steel Industries (msg 2), reply

Dear Paul and Ted,

I request that Ted Katz please circulate this message in its entirety to all members of the TBD-6000 work group and to the full Board.

The schedule below is exactly what David Allen said at the 10/12/11 TBD-6000 meeting would not happen. I observed that the Allen Path Forward white paper of October 2010 was (a) an explicit admission that NIOSH was unable to reconstruct doses at GSI with sufficient accuracy, (b) that the work implied would take months or years to complete. Mr. Allen stated that NIOSH would not have to start from scratch, but the listing below confirms that all of these parameters involved in dose reconstruction at GSI indeed will be developed anew. I reiterated that on this basis of (a) and (b), the TBD-6000 work group should recommend approval of the GSI SEC-105 SEC immediately because of NIOSH acknowledged its inability to sustain the main conclusion of the SEC-105 evaluation report. That is, to deny the SEC based on NIOSH's then current ability (in 2008) to accurately reconstruct doses. That capability is obviously not true 2.5 years later in May 2011. The NIOSH admissions of October 2010 in the Allen white paper coupled with this admission that all new DR models at GSI will have to be *developed* (a mere promise at this point) underscore the validity of my continuing concern. Besides those facts, John Mauro argued persuasively that SC&A and the Board would be unable to avoid recommending an SEC for GSI for the first 10 years of the covered period, as NIOSH lacks any significant data for that period on source terms (MCW purchase orders), personal monitoring, or area monitoring. I have argued that the film badge data at GSI is limited and not representative (89 of 3,000 people in the work force), pertains to one job only (radiographer), applies only to males, and is for only 3 of the 13 years of AEC uranium work that took place during the covered period at GSI. Besides that, there is an unresolved significant difference between the NIOSH and SC&A models, and an even greater disparity between those models and the RS Landauer film badge readings for a portion of GSI male radiographers (Magnaflux operators were not badged).

I cannot see, in light of the ambitious and in my opinion unrealistic schedule presented below by NIOSH, how Stuart Hinnefeld can assert, as he did to me, that NIOSH has no plans to revise its evaluation of SEC-105, nor does it plan to revise Appendix BB, until all of the GSI issues/Findings identified by SC&A are resolved with NIOSH. Resolution of those issues/Findings, including mine as SEC co-petitioner, have disappeared from everyone's radar. The TBD-6000 work group could be working on those issues now. I do not believe this is the scientifically acceptable, as many of SC&A's findings are valid and have not been resolved, at least to my satisfaction. I called for the TBD-6000 to take up the SC&A Findings and resolve them before NIOSH promises to deliver its Allen Path Forward work group products in late July. That will be 9 months after GSI matters were discussed

last October 12.

Again, I mention that Rachel Leiton and DOL have stated in writing that they are unwilling to reopen denied GSI claims until the TBD-6000 work group completes its work, and certifies our advocate/claimant group's many new pieces of GSI DR information as valid. For example, even though SC&A established by consensus that the average work week at GSI was 65 hours rather than 46 hours as claimed in Appendix BB, and Mr. Allen at NIOSH has also acknowledged this fact, the new hours per week work figure cannot be used as formal DR guidance because it is not yet incorporated into Appendix BB.

I have contacted the office of Congressman Jerry Costello (D-IL) 18th District that includes Granite City, IL, and we have a phone conversation about GSI matters scheduled for 10 AM today.

Sincerely -- Dan McKeel 5/17/11

In a message dated 5/16/11 12:38:19 PM, pl.ziemer@comcast.net writes:

Mr. Wall:

I have now received word that the following items will be delivered to the Work Group as shown in the schedule below:

Develop exposure model for Ra radiography
7/29/2011

Develop exposure model for St. Louis Testing radiography
7/29/2011

Develop exposure model for portable x-ray radiography
7/29/2011

Develop exposure model for Co-60 radiography
7/29/2011

Develop exposure model for New Betatron
12/30/2011

Develop exposure model for Old Betatron
12/30/2011

Develop exposure model for air activation from betatron
12/30/2011

Develop exposure model for uranium activation from betatron
12/30/2011

Develop exposure model for steel activation from betatron
12/30/2011

Reconcile dose estimates with dose records
12/30/2011

We will need to allow some time for SC&A to review the materials, so I will expect to have the Work Group meet in late August to consider the July 29 deliverables on the list.

Regards,

Paul Ziemer

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