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Sent: Wednesday, August 21, 2002 5:39 PM
To: NIOCINDOCKET@CDC.GOV
Subject: Comments on 42CFR83

Attached.

Frank Roddy

Comments on 42CFR83

This proposed rule would permit the National Institute of Occupational Safety and Health (NIOSH) to establish new special exposure cohorts which would not be subject to the regular dose reconstruction process in the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). It would no longer be necessary for DOE to supply the dosimetry information to NIOSH nor for NIOSH to calculate the workers' doses and the probability that these doses had caused their cancer. NIOSH would accept petitions with claims containing a NIOSH letter stating that the information supplied by DOE was insufficient to permit NIOSH to perform a dose reconstruction as sufficient proof of the need to establish the special exposure cohort. NIOSH has already sent out such letters.

The gamma radiation dosimetry used by DOE is energy independent. NIOSH has recently established special radiation weighting factors, including those for gamma radiation, which are energy dependent and is requesting that DOE provide energy dependent dosimetry information. These new weighting factors have not been approved by the various scientific bodies which normally review and approve such scientific parameters prior to implementation into regulations. Since DOE cannot supply energy dependent dosimetry, especially for historical dosimetry data, NIOSH has determined that the dosimetry information supplied by DOE is inadequate to permit NIOSH to perform dose reconstructions. These letters point to the impending establishment of additional special exposure cohorts by NIOSH for the EEOICPA, and in the process, avoid the dose reconstruction process.