FAX

SEC 30

ATTN. Mr. Larry Elliott

Fax Number 1-513-533-8230

Phone Number

08-22-05A08:35 RCVD

FROM

Fax Number

Phone Number

SUBJECT

Number of Pages 10

Date 8/21/05

MESSAGE

August 20, 2005

Mr. Larry Elliott, Director
National Institute for Occupational Safety and Health
Office of Compensation Analysis and Support
4676 Columbia Parkway, MS-C-47
Cincinnati, OH 45226

Dear Mr. Elliott:

Thank you for taking my call a few weeks ago and discussing the petition submitted by Local 8031 to have the Rocky Flats facility become a member of the Special Exposure Cohort. As I mentioned in our conversation, while the Local has declared that this petition is meant to include all workers at the site, the language of the peition is a bit ambiguous. The petition does state that all workers who were monitored or should have been monitored should be considered the class of covered employees but the list of job titles are only production workers.

You are aware that non-production workers also were exposed to the adverse effects of radiation at the site. Following you instructions I am forwarding to you testimonies from three claimants with examples of how they were exposed to radionuclides in the course of their duties.

If further information is required to insure that non-production workers are included in the class, please do not hesitate to contact me.

I greatly appreciate your assistance in this matter.

Sincerely,

August 9, 2005

US Secretary of Health & Human Services
Office of Compensation Analysis and Support
National Institute of Occupational Safety and Health
4676 Columbia Parkway, MS-C-47
Cincinnati, OH 45226

To Whom It Concerns:

I am a claimant under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) as I contracted breast cancer (multifocal ductal carcinoma in situ) requiring a modified radical masteotomy in Two and one-half years later, after multiple tumor aspirations or excision biopsies to verify presence or absence of cancerous cells in 1 ½ cm. tumors growing at the rate of every 3 weeks to 3 months, and when one of the biopsies indicated pre-cancerous hyperplasia of the ductal cells, I underwent a prophylactic modified radical mastectomy of the other breast in order to reduce the chances of full-blown carcinoma or metastatic breast cancer. I was an employee at Rocky Flats Environmental Technology Site (RFETS) at the time

Although the National Institute for Occupational Safety and Health (NIOSH) reconstructed a radiation dose for my claim (as I had not been issued a dosimeter at Rocky Flats per management policy at the time) I do not believe that my exposures can be estimated with sufficient accuracy and therefore my claim should be considered under the Special Exposure Cohort (SEC) portion of the Act. I understand that Representative Mark Udall (along with Representative Beauprez) of Colorado has submitted to the U.S. House of Representatives, H.R. 428 ,The `Rocky Flats Special Exposure Cohort Act'..." in order to...

> "...better provide for compensation for certain persons injured in the course of employment at the Rocky Flats site in Colorado.".. and to amend ..."In General- Section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l(14)) ... by adding at the end of paragraph (14) the following:
> '(D) The employee was so employed as a Department of Energy employee or a Department of Energy contractor employee for a number of work days aggregating at least 250 work days before January 1, 2006, at the Rocky Flats site in Colorado".

The United Steelworkers and Security Guards at RFETS have submitted their own SEC. It is not clear in this later SEC if the class of workers to be covered is exclusively for the Steelworkers and Guards or if, in fact, others who worked in high ionizing radiation areas or buildings and who have contracted one of the EEOICPA covered illnesses are also to be included. I strongly recommend that NIOSH expand the class for the RFETS facility to include other workers such as myself as a non-production worker. I base this recommendation upon the following, specific to my case:

My 'title' during the timeframe prior to (and during) my cancer diagnosis and treatments was I did not 'manage' anyone—it was simply a title given to me because there was a new DOE Order (4330.4B), Maintenance Program for DOE Facilities, which required assessment of maintenance operations at DOE nuclear (and non-nuclear) facilities and implementation of DOE "shall" statement requirements. This Order was derived as an aftermath of maintenance issues resulting in the near-melt down at Three Mile Island to ensure that another such event did not occur due to a lack of quality maintenance of nuclear facilities, of which RFETS was one.

- My job required that I accompany the maintenance crews (who also were my "escorts" since I had no dosimeter and had not been tasked for Radiation Worker training per management). These crews, which I accompanied were electricians, welders, painters, carpenters, pipefitters, metrology technicians (to check calibration of instruments) among others. We went into ALL the buildings (more than 400 at the time) on a routine basis up to the time of my diagnosis ' The buildings which I worked in included 'cold' (assumed) such as Building 060, 111, 112, 115, 130, 131, 331, 334,460, trailers, medical and metrology building etc.) and 'hot' buildings (Buildings 371, 441, 443, 554, 771/776, 881, 707 etc.)

- My main "office" (e.g. desk area) was housed in -which also housed the area.. This was a "cold" building" and therefore didn't require dosimetry to be worn. The maintenance crews had dosimetry however, as they might have to go into an area to work on a building or vehicle in a "hot" area. I recall that there was a concern that the crews dosimetry readings were excessive. (This was also the case in the maintenance "garage" area in Bldg. 331 where vehicles with Site soils (contaminanted?) and later WIPP truck staging took place during inclement weather). The dosimetry "board" where the crews hung their dosimeters was in the open area. It was decided to move the board into another area in an attempt to lower the potential exposure from unknown sources. Since the ventilation systems in the cold buildings were usually not separated (and were not HEPA ventilated), the air circulated throughout such buildings-from "production" (in this case—the maintenance shop) side to "non-production" (office areas). No "production" activities were going on in this building, but were in other buildings I visited for meetings so the possibility existed for ventilation system "mixing".

- Some Decontamination and Decommissioning (D&D) activities had already begun at that time so some of the crews work assignments related to D&D as well as routine "maintenance activities" such as pipefitters and welders replacing and fixing pipes (some which though thought to be "cold" were, in fact 'hot' and hence personnel in the vicinity (including) myself (me with no dosimeter)—were probably exposed to ionizing radiation when "stuff" spewed out unexpectedly from a pipe during routine maintenance procedures.

—We would continuously walk by filled drums while "swipes" were being taken and loaded onto docks for transportation to another area.

- We would sometimes be "caught" in a rad building during a "shutdown" due to a crit alarm and confined to an area sometimes for several hours. Exposure? Most likely!

—The grounds themselves were contaminated—driving past the gates from the East gate one had to drive past "rad" posted, fenced-in, open soil areas with sprinkler heads and hoses visible. When I asked why they were trying to keep the sagebrush and tumbleweeds "green" I was informed that that was not the purpose—rather, that after the fires in Bldg. 771, 707 etc.

the water to put out the fires was so extensive, that it overflowed the burms and so one of the ways that it was decided to get rid of the "hot" water, was to spray it on the soil using a common sprinkler system—which of course, contaminated the soil and could blow around when the fierce winds hit, further spreading "contaminants" (hence one of the reasons for the air monitors around the perimeters of the Site). Another method was then developed to contain the contaminated water by building solar ponds, which were areas employees routinely walked by. I was told when I first arrived at RFETS in to not deter animals from drinking out of these ponds as we weren't to disturb the wildlife per environmental protection laws. Electricians continuously were baffled when RCTs would find "hot" spots at the base of the electric wire poles which electricians had to maintain until one day they found a coyote relieving himself onto the base of the pole! The animals were drinking from the solar ponds! These ponds were then "contained" by making them into concrete and breaking the concrete up and packing it into drums for disposal as part of D&D activities. I didn't drink from a solar pond, but I drove or walked by them routinely as I went from one area to another-as did any employee at the Site—whether a production worker or a non-production worker. We all had the potential to receive ionizing radiation!

Painters reported to me of instances (though I was not in the area at the time) in which they were preparing a wall in a "cold" area only to find the marker for radiation—"purple paint" beneath layers of normal paint—in areas where workers had their desks and conducted paperwork believing (and from all indications they were right) that they were in a non-rad area—the "purple" paint indicated that radiation of some type had warranted the "warning" which had mistakenly been painted over at some point in time. Hence any worker-production or non-production worker would have been exposed to some type of radiation and most likely not be wearing a TLD when in that designated "office" uncontrolled area.

Some other scenarios:
- Scenario One: I might need to attend a meeting carrying paperwork back from an office in another building (often held in Building 771—"the most dangerous building in the world" per former Secretary of Energy, Mr. Pena). Meetings were generally held in the cafeteria or a "cold" office area. These meetings in such buildings were frequent (daily/weekly). It was not until after my cancer identification when I demanded that I be issued a dosimeter that I received a recorded dose)—where had I been? Bldg. 771-- in a meeting in the cafeteria! It was not until years later that I found out that liquid plutonium processing tanks (which were now leaking badly post the infamous FBI raid) and had to be drained were on the other side of the cafeteria wall. Did MY manager/supervisor ever go into these areas? All I know, is I never saw one of them in any of the buildings—they sent me instead (including going to meetings at other Sites e.g. Savannah River, Pantex (right after a "tritium" release—and PANTEX made sure to issue me a dosimeter!), Oakridge (Y-12) (multiple times) (the later included a tour of the site in which I noted a "pad" filled with everything from tires to desks—in the open—uncovered—When I asked what that was—the reply?...it was contaminated stuff and had been filmed in a documentary by a major television program the week before as being of concern to the safety of the workers (and visitors) and the public)! Possible contamination exposure "sans dosimetry" even when visiting other DOE facilities as part of my job (pre and post cancer diagnosis).

-Scenario Two: Sources were present in many of the buildings –some of which I was aware of such as the low level sources used by the metrologists in calibration of instruments—others, which were much larger/higher rad sources which, at the time, I had no knowledge of the close proximity to which I was working as "I had no need to know". For example, there was apparently, an extremely large source (the size of a room—which room, I do not know)

which years later, during D&D activities had to be excised from the "hot" building by cutting out the floor and having a crane lower it into a vendor truck (the source occupying the entire backend of the truck). These activities were reported to me (then oversight for activities, hence my "need to know" at that time post-cancer, that the source was originally ~20,000 Curies (Cesium!). How many times had I (and others) walked by that "area" and the escort would warn me to —"don't touch anything"—"hurry" . Was there sufficient protection? I hope so for all the workers' sake. But what I do know is that the workers whom I accompanied were concerned.

- Scenario Three: I was sitting at my desk in (I don't recall the date—but I include it as it typifies, unfortunately the hazards of daily work at RFETS) when an announcement was regarding an incident that had finally been reported (something like 6 days past the 'incident") in which, liquid plutonium tanks had been successfully drained—a major feat!—the first one had gone so well, that despite the fact that the work order was to drain only one tank, a second had been drained as well –without taking time to assay the contents of the second tank. This allowed close proximity of two different concentrations of Pu (a potential "criticality" situation)—which was not identified nor reported until after the assay was completed. An investigation was conducted, an occurrence report filed and two high level supervisors lost their jobs as a consequence. Where had I been that week—during the timeframe of the tank draining to the time of notification—in that same building! Exposure? Highly likely (but not measured—no dosimetry!)

- Scenario Four (Bldg. 771): I had to ensure maintenance crew operations support to the building. When not escorted, I could enter the area but not the "building" per se—so I would stand outside and observe the work outside. If maintenance crews didn't "show" on time or there was a problem, I might make a phone call from the tunnel adjacent to the dock area. It wasn't till after I had Rad Worker training years later that I found out that this tunnel was part of the transfer of drums of liquid plutonium (and other?) and was an area I definitely should not have been in!. Dosimetery? No. Personal protection equipment? No. I also was not aware at the time that due to the fires in Bldg. 771 (and others) in 1957, 1965, 1969 and others that temperatures had caused the plutonium to become oxidized into high fired oxides also known as super class Y materials. Due to this unique form of plutonium and since this is the Building which I later (post cancer diagnosis) was in when I had a dosimeter and received a dose (I'd only been in the cafeteria!) it could well have been due to Pu-exposure as well as to Super Y particles of high fired oxide plutonium which cannot be detected at the same levels as normal Pu due to their extremely small size. Since I was in various buildings on a daily/weekly basis for over three and one-half years, overall, I could well have had the potential for a chronic low dose exposure to ionizing radiation including Super Y particles. I may well have been exposed, likewise to any number of solvents, PCBs and water in manholes (during "accident investigations" of electrical problems) as well as asbestos (a "release" during routine maintenance in the metrology building when I was standing in the hall "post meeting") or even beryllium during my sojourns around the site. It is difficult to describe, in retrospect, the "lassez-faire" attitude we as workers came to accept about our working conditions. We would go about our work and most of the workers "pooh-poohed" the idea of any real "danger" to any of it—afterall they couldn't "see it"—they were used to it, and nothing had happened to them so far—however, I believe it was also because they really didn't know how truly dangerous it was—nor in fairness to the discoverers of the entire nuclear bomb process—neither did they! Would I work there if I had known the level of contamination and not believed in what I was told, 'not to worry'—absolutely not!!

- Post-cancer, my activities and locations were changed—I was moved to partly for my increased protection as they were still having trouble identifying the actual exposure levels for the crews even though the dosimetry boards had been moved into an interior space as well as due to a change in contractor responsibilities (1995 a change from EG&G to Kaiser-Hill) and therefore my responsibilities. I was terrified of getting cancer again—but had to remain working at RFETS because as a cancer patient in I was considered "uninsurable". I was issued a dosimeter and was limited, by the RFETS medical officer, to 100mrem/year. Likewise, I reduced my visits to other buildings drastically by having another team member be assigned to conduct the majority of evaluation/assessments with the maintenance crews instead of myself. Yet—one visit alone to 771 (I assumed that this is where I received the recorded dose)—and I picked up a reading quarterly External Dosimetry TLD report). I never went back to 771 after that!

I often wonder if the clothes in my closet or the papers I carried back from meetings in Buildings 771/776, 371, 881, and others carried contamination back to me, my peers, and my family. Is it still here? Where (and when?) did I get the uranium and plutonium found in my exit (and only!) urinalysis (, none of which were found to be "above decision levels". In light of the BEIR VII report (June 29, 2005) and others, surely, ANY exposure (this one measured!) should now be considered to be a causative agent to a cancer. As Low As Reasonably Acceptable (ALARA) levels were constantly being changed at RFETS as D&D (and contamination) increased—yet a respirator fit was denied and dosimetry was once again denied me (my TLD badge taken away) during my last few months at RFETS —so again, there was no way to know if I was being exposed or not--even when I might go into the "warehouse" (cold—Bldg. 130) only to discover (unreported "incident") filled drums of Low Level Waste (LLW) or come across the vendor truck now loaded with the once upon a time 20, 000 Curie (reduced to <10,000 Curies for transportation and customer requirements) gigantic source. Did I receive contamination in those instances—without a doubt!! But was it measured? No. No dosimetry. Just because it wasn't measured, doesn't mean in fact that it wasn't present. Might I once again, get cancer? I cannot allow myself to think that, but it is, unfortunately a real possibility.

I am alive today after surgeries over a period---I still suffer debilitating side effects from the treatments. My family suffered irreparably right alongside me. I am on a routine—lifetime regiment of oncologist visits, medications, dozens of prostheses (to appear "normal" except to my intimate family), colonoscopies, bone scans etc. as a consequence. Cancer sits on my shoulder as one of the major lessons of my life. I learn from it everyday and value its' gift of the appreciation of life.

I sincerely hope that NIOSH and other powers that be, will accept the Steelworkers and Security Guards SEC. I request that you expand the "class" to clarify instances of exposure to "non-production" workers or use the wording of the proposed H.R. 428 submitted to Congress by Representative Udall. The Steelworkers and Security Guards have risked so much—I have watched too many of them suffer –some losing arms or legs to cancers—some to die. They are/were my friends—my peers—I worked right alongside them while they risked their lives. I didn't know that I, too, as their co-worker (despite a different "title") was also risking my life. It was they who gave me tremendous support while I struggled with my battle against cancer for which I am eternally grateful.

Please consider that other "office workers"—"non-production workers"—even "managers" (though I believe I was the only ' at the Site at the time)—

have been exposed to ionizing radiation including the extremely dangerous Super Y particles that may have been the cause "at least as likely as not" to have been a contributing factor in potentially terminal diseases such as breast cancer. Please include such workers as part of the "class" of workers to be compensated under the SEC proposals.

The above testimony is an accurate representation to the best of my recollection. Dates? times? records of the incidents? No—I did not keep "records" of these events because they were "routine" operations—I didn't have any idea that I may well have been exposed to radiation, let alone to any number of solvents, asbestos or beryllium during my sojourns around the site. I had no reason to believe I would need to keep records, by date for any reason. I was keeping track of ordinary events on a "daily calendar" and memo correspondence, meeting notes etc.—none of which I have any "record" of and with RFETS nearing D&D completion—contacts and paperwork are gone. One must believe in the workers—we worked hard—believed in what we were doing with all our hearts—and we may die (or have already died) sooner than others our age because we were so dedicated as "Cold War Warriors" and were unknowingly exposed to deadly radiation and other toxic substances.

Thank you for your consideration.

Sincerely.

August 1, 2005

US Secretary of Health & Human Services
Office of Compensation Analysis and Support
National Institute of Occupational Safety and Health
4676 Columbia Parkway, MS-C-47
Cincinnati, OH 45226

To Whom It May Concern:

The following are how became exposed to various toxins and radiation while working at the Rocky Flats Plant.

My late husband started at Rocky Flats on : in Building He worked in this position until During this time period became hot and was sent home fully scrubbed and raw. The carried the boxes of product very low on their abdomen, and used the abdomen to help support the boxes.

as exposed to various toxins as well as the metal dust he was during the long strike in 1970.

He performed studies on job operations in order to the various jobs. He worked as a He helped prioritize workloads, oversee interplant movement of product, and coordinate shipments of to end users. He interfaced with other functional groups to plan, expedite, and execute Due to these various duties he was always out on the production floor.

He also helped perform on a part time basis, while as a

I would appreciate you adding the non-production workers to the Rocky Flat's Union SEC Petition.

Sincerely,

Rocky Flats Retiree

845

To whom it may concern

As an
at Rocky Flats for
many years, I was never
monitored by a Health Physics
monitor. The Hourly protection
workers denied us,
the correct bootie, Body
protection and were hostile to
us. My body was
hot many times and HP
people did nothing.

I feel Hourly protection
workers deserved us before + after the 1970
Strike