

Miller, Diane M.

From:
Sent: Thursday, August 01, 2002 2:04 PM
To: niocindocket@cdc.gov
Subject: Private Citizen Comments For The Public Docket for 42 CFR 83 (Special Exposure Cohort)

Please except these comments to be included in the Public Docket for 42 CFR 83 (Special Exposure Cohort).

**** The process to include a facility in the Special Exposure Cohort is far too slow. No new facilities will be added to the SEC until after the procedures are finalized which I am told by NIOSH will likely be in early 2003. Congress requires 180 days to review a recommendation to add a facility. NIOSH must determine that dose reconstructions can not be done for a class of employees at a particular facility before being considered for addition to the SEC. I am told by NIOSH that the time required to determine that dose reconstructions can not be done is unknown. It seems to me that it will be years before anyone with a legitimate claim will collect EEOICPA compensation via this path.**

**** My father worked at Linde in Tonawanda, NY from 1941 until 1978 when he was diagnosed with cancer. At 59 years old, he succumbed to the cancer seven months after diagnosis. If he was still alive but given the same diagnosis today, he would not survive long enough to get compensation under this Law.**

**** My father's coworkers have said to me that, with the exception of some X-ray technicians, the factory workers at Linde did not wear any kind of personal radiation monitoring devices. This will make dose reconstructions very difficult if not impossible for the Linde employees. I anticipate that the Linde employees will ultimately have to petition to be added to the SEC and they will then be subjected to the delays designed into this process. Many eligible workers will not survive long enough to collect compensation because of these delays.**

**** Those facilities that are already in the SEC were given their SEC status based on certain criteria. Some of those criteria being the likelihood that radiation caused the higher than normal incidence of radiation related illnesses and the absence of adequate radiation monitoring for use in dose reconstructions. Linde and many other facilities meet those criteria. Why were they not included in the SEC from the beginning?**

**** The claimants should at least be able to get an reasonable estimate as to when their claims will be processed. It is difficult to make future plans without knowing claim status.**

As the procedures are finalized, please consider these comments and strive for a process that is efficient, fair, and swift.

Regards,