

TO THE ADVISORY BOARD, OF RADIATION WORKERS HEALTH

May 10,2012

Now comes, for this cause, [Names redacted], et, al. ~ S.E.C. 00116

BACKGROUND

S.E.C. Petition 00116 was filed: June 19, 2008

Qualified: November 4, 2008

The basis of qualification was a lack of personal monitoring records, specifically at that time for thorium.

The Petition also included that the covered time frame be expanded due to the on and off site contamination, and residual contamination of all past cold war activity's, and Department of Energy Defense Contracts.

In May of 2009 the Department of Labor issued their finding that they concurred with covered period should be extended through 1973.

Petitioner's also requested an inclusion of all employees' at the site be covered at this site so as not to limit any employee.

On February 10, 2010 The Honorable Advisory Board on Radiation and Worker Health met in California and discussed the Hematite Site.

The following is an excerpt from the Special Exposure Cohort Health Physics Team Leader for OCAS. The Transcription follows:

10 Also, in March of 2009, approximately a month

11 before we were ready to issue our Evaluation

12 Report, up to this point, we had had very

13 little luck receiving documentation through

14 the current site operator, Westinghouse.

15 And in March of 2009, for some
16 reason, they determined that they would grant
17 us access to the documentation that they had
18 during the covered period.

The OCAS (Office of Compensation, Analysis & Support) goes onto say in that Transcription:

16 And, with all luck, during the
17 1970 to '73 period, looking at the data that
18 we had, we determined that the bioassay, the
19 contractor who was analyzing the bioassay
20 during that period was a contractor that we
21 had previously determined we would not accept
22 their data because it was deemed unreliable
1 based on their actions at another site. So we
2 would not use the 1970 to '73 bioassay data.

We respectfully request a formal hearing before the Honorable, Advisory Board, to show just cause.

The issues to be presented include, but are not limited to the following:

*According to Federal Register / Vol. 67, No. 85 / Thursday, May 2, 2002 / Rules and Regulations
EEOICPA requires the Advisory Board on Radiation and Worker Health to independently review
the methods established by this rule and to verify a reasonable sample of dose.*

1. A limited sample, and sound methodology, used by NIOSH in their dose reconstruction, for Special Exposure Cohort, is lacking.
2. SC&A Report and findings, which clearly shows NIOSH is using junk science in their reconstruction, clearly not claimant friendly, as stipulated in the EEOICPA Act.

3. NIOSH inability to scientifically refute, the diverse calculations of SC&A findings, the independent Work Group assigned to this Petition.

4. Inadequate records/lack of knowledge of imperative Departments within the facility, which produced the highest, enriched Uranium, on site. i.e. "Red Room"

Key components to significant exposures, with the highest enriched compounds, i.e scrap recovery, enrichment for Submarine Fuel, and research experiment's, that were of "Top Secret" to our National security.

5. Administrator of past documents, i.e. Westinghouse, and the Potentially Responsible Parties, United Nuclear, Mallinckrodt, et al. refusal to produce documents to NIOSH, impeding investigations, and access to adequate information that could have substantiated claims, and therefore may have prolonged the lives of certain Employees, through the programs, allocated medical benefits.

6. Number of Contractors, some who have been deemed unreliable by Federal Agencies, in providing truthful records.

7. NIOSH untimely responses, or lack thereof, to gathering information, verifying that information, and their diligence in a thorough Investigation needed to fairly evaluate this site.as specified by the EEIOCPA Act.

8. Two, or more, Witnesses to [name redacted] private claim were never contacted by the Adjudicator, even after extensive telephone interviews, documentation, and formal hearings conducted in relation to [name redacted] claim.

9. Westinghouse has falsified records in other states and has been the Administrator of "alleged, lost" historical documents, since its acquisition of this site, and is also responsible for withholding those records from the proper agency, NIOSH, for investigative purposes according to the Act.

10. With what records that was finally provided by Westinghouse, the air samples from the site monitoring data: and the personnel monitoring data are inconsistent with each other. i.e. high exposures with low air samples or vice versa.

11. The need for a Congressional hearing, with the support of The Board, to respectfully request that Congress shall make an amendment to;

1. Appropriate a fair time frame for NIOSH to evaluate a petition.

2. Devise consequential damages to any Potential Responsible Parties, their Predecessors, AND Successor's, for withholding ANY site, monitoring, etc. records, involved in a NIOSH Dose Reconstruction, as part of the EEIOCP Act of 2000, as amended.

TITLE 42—THE PUBLIC HEALTH AND WELFARE

CHAPTER 84—DEPARTMENT OF ENERGY

SUBCHAPTER XVI—ENERGY EMPLOYEES OCCUPATIONAL ILLNESS

COMPENSATION PROGRAM

PART A—ESTABLISHMENT OF COMPENSATION PROGRAM AND

COMPENSATION FUND

We therefore pray this request will be granted, so that we may respectfully present our evidence to the Board in person, and save reservation for the docket.

Sincerely,

[Name redacted]