

# Superior Steel Co. SEC Petition: Responses to ABRWH Questions at Redondo Beach, December 13, 2018

Response Paper

---

National Institute for Occupational  
Safety and Health

January 10, 2019

Megan L. Lobaugh, PhD, CHP  
Division of Compensation Analysis and Support

---

Page 1 of 4

This is a working document prepared by NIOSH's Division of Compensation Analysis and Support (DCAS) or its contractor for use in discussions with the ABRWH or its Working Groups or Subcommittees. Draft, preliminary, interim, and White Paper documents are not final NIOSH or ABRWH (or their technical support and review contractors) positions unless specifically marked as such. This document represents preliminary positions taken on technical issues prepared by NIOSH or its contractor. **NOTICE: This report has been reviewed to identify and redact any information that is protected by the Privacy Act 5 USC §552a and has been cleared for distribution.**

This is follow-up to the Superior Steel Co. SEC-00247 Evaluation Report presentation made on December 13, 2018, at the meeting of the Advisory Board on Radiation and Worker Health. There were questions asked by the Board that NIOSH could not provide immediate answers to during the meeting and that may not be specifically addressed in the Evaluation Report, but that could be answered with little research.

### **QUESTION REGARDING THE NUMBER OF DOSE RECONSTRUCTION CLAIMS THAT HAD BEEN COMPENSATED**

As a reminder, NIOSH doesn't have the authority to calculate the probability of causation (POC) or to determine the final compensation decisions for EEOICPA claims; this authority resides with the Department of Labor (DOL). However, the dose reconstruction results, which NIOSH completes, are used by DOL for these purposes.

For Superior Steel Co., there have been a total of 35 claims referred to NIOSH for Dose Reconstruction. All 35 dose reconstruction claims been completed by NIOSH and final decisions adjudicated by DOL. 19 of these claims have POCs greater than 50% and the remaining 16 claims have POCs less than 50% (Table 1).

*Table 1. Probability of Causation Statistics for Superior Steel Co. Dose Reconstruction Claims.*

|                    |    |
|--------------------|----|
| <b>POC &gt;50%</b> | 19 |
| <b>POC &lt;50%</b> | 16 |
| <b>TOTAL</b>       | 35 |

### **QUESTION REGARDING THE NUMBER OF SURVIVOR VS EE CLAIMS**

Of the 35 dose reconstruction claims for Superior Steel Co., 5 of the claims were initially submitted by Energy Employees (EE). The remaining 30 claims were submitted by survivors.

### **QUESTION REGARDING CONTROLS USAGE AT SUPERIOR STEEL CO. DURING THE EVALUATION PERIOD**

All claim CATIs were reviewed for additional information regarding the protective measures discussed during the ER presentation discussion: respiratory protection, local ventilation, and coveralls.

Of the 5 EE-submitted claims, only 4 EEs survived to complete the Computer Assisted Telephone Interview (CATI). This resulted in 31 claims with CATIs completed by a total of 56 survivors and 4 claims with CATIs completed by 4 EEs.

EE CATIs ask more specific questions regarding the work performed, the potential radionuclides present, potential exposure time, the precautions taken (e.g., PPE, controls), individual and workplace monitoring, occupational medical x-rays, as well as involvement in radiological accidents. The survivor CATIs ask fewer questions in the more broad areas regarding work,

individual and workplace monitoring, occupational medical x-rays, and EE involvement in radiological accidents.

Summary of the CATI information:

1. Respirator
  - a. 4 EE-completed CATIs
    - i. 1 sometimes used respirators, specifically a ‘breathing mask’
    - ii. 3 never used respirators
  - b. 56 Survivor-completed CATIs
    - i. No specific question regarding respirator use in survivor CATI, but survivors could discuss during the course of the interview and notes would be made within the documentation.
    - ii. 1 survivor mentioned respirator use by EE.
2. Local Ventilation
  - a. 4 EE-completed CATIs
    - i. 4 never used local ventilation
  - b. 56 Survivor-completed CATIs
    - i. No specific question regarding local ventilation use in survivor CATI, but survivors could discuss during the course of the interview and notes would be made within the documentation.
    - ii. No mention of local ventilation use.
  - c. Reminder: while the CATI information doesn’t provide indication of local ventilation use, there are ventilation recommendations from the AEC Health and Safety Laboratory and indication that ventilation was installed at some point during the AWE operations period.
3. Coveralls
  - a. 4 EE-completed CATIs
    - i. No specific question regarding use of coveralls or company-supplied and laundered outer garments in the EE CATI. Nothing specific mentioned by EEs.
    - ii. There is a question about Anti-Cs (anti-contamination clothing) use; and all 4 EEs answered they were never used.
  - b. 56 Survivor-completed CATIs
    - i. No specific question regarding use of coveralls in survivor CATI, but survivors could discuss during the course of the interview and notes would be made within the documentation.
    - ii. 1 survivor mentioned EE use of special clothes that had to be laundered at the plant
    - iii. 5 survivors mentioned EE wore dirty clothes home from the plant

**QUESTION REGARDING WHY NO INTERVIEWS WERE MADE AS A PART OF THE SEC EVALUATION**

The SEC petition evaluation reviewed the Superior Steel AWE operations period (1952 through 1957). Since more than 60 years have passed, which in NIOSH's experience limits the availability of EEs for interviews, it was decided to forgo interviews.

At the time of the receipt of the SEC petition for Superior Steel Co., only 3 of the dose reconstruction claim EEs were living, according to information available via the dose reconstruction claims. Note: 2 of these claims were compensated via dose reconstruction, so NIOSH would not have heard of Dates of Death post-claim finalization.