

Office of Compensation Analysis and Support
Program Evaluation Report

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Revision No. 0

Linde Ceramics Plant TBD Revision

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RECORD OF ISSUE/REVISIONS

ISSUE AUTHORIZATION DATE	EFFECTIVE DATE	REV. NO.	DESCRIPTION
11/16/2012	11/16/2012	0	New document to determine which previously completed claims require evaluation for the affect of revising the Linde Ceramics Plant TBD.

1.0 Description

Revision 3 of the Linde Ceramic Plant Technical Basis Document (ORAU-TKBS-0025) was issued on 7/26/2012. The previous version (revision 2) was issued on 7/15/2011. Revision 1 was issued on 11/4/2008 with a page change issued on 11/10/2009. Prior to that, the initial revision (revision 0) was issued on 5/31/2005 with a page change issued on 1/19/2006. This PER considered the changes that were made between the current revision (revision 3) and all previous versions of the TBD.

2.0 Issue Evaluation

Several changes in these revisions have resulted in either an increase or a decrease in assigned dose. Most of the decrease in dose assignment occurred as a result of the addition of Linde Ceramics to the Special Exposure Cohort. Under the provisions of the SEC, some sources of exposure were deemed insufficiently accurate to be included in dose reconstruction and that source of exposure was removed from the TBD.

Revision 3 of the TBD included the assignment of dose in the utility tunnels that was higher than any of the previous versions of the TBD. Other changes affected the distribution used for the reconstruction of internal doses. One such example is the intakes assessed for trades workers from 1955 to 1969. The estimate of those intakes went from using a distribution to assigning a constant that was higher than the geometric mean of the distribution but lower than the 95th percentile of the distribution.

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Other revisions both increased or decreased doses for some or all employees and for some or all years.

3.0 Plan for Resolution or Corrective Action

The number of changes that either increased or decreased the assigned dose affects nearly every previously completed claim. It was therefore not possible to narrow the population of claims that were potentially affected. Because three separate SEC classes were designated for the Linde Ceramics Plant; however, a number of claims have been awarded compensation without the need for a dose reconstruction. Claims in that category would not need a new dose reconstruction, so they were excluded from further evaluation. To determine this group of claims, NIOSH used a list of cancers that qualify for compensation under the SEC and the employment dates verified by the Department of Labor (DOL). Those claims with a listed cancer and at least one year of employment (250 working days) during an SEC period were excluded from further evaluation. The exception to this was made for claims that had both a listed and non-listed cancer. Those were included in the evaluated population in case a dose reconstruction was necessary for DOL to evaluate compensation for medical benefits of the non-listed cancer.

The SEC time periods used in this evaluation included 10/1/1942 through 12/31/1969, which is the period covered by the three SEC classes that were added.

3.1 Determination of claims which will not change due to TBD revision.

The selection criteria resulted in 78 claims requiring further evaluation. For those claims, the dose was recalculated using all current dose reconstruction methods including the current version of the TBD. From that recalculated dose, a new probability of causation was determined. The probability of causation remained below 45% for 74 of the 78 claims. None of the cases resulted in a probability of causation between 45% and 50%. The four remaining cases had a probability of causation greater than 50%.

NIOSH will notify DOL of these results and request a return of the four cases that would now be greater than 50%. Two of these cases met the criteria for compensation based on the SEC but also had an additional non-presumptive cancer. Whether or not these two claims would benefit from a new dose reconstruction depends on other criteria not available to NIOSH, so it is not clear whether or not these claims should be returned. NIOSH will request that DOL evaluate each situation and make the determination.

Additionally, NIOSH will notify DOL of those claims that were not evaluated based on the understanding that they would qualify for compensation under the SEC. NIOSH will request that DOL verify that understanding and return any claims in which compensation was not awarded.