June 3, 2016

The Honorable Joseph R. Biden, Jr.
President of the United States Senate
Washington, DC  20510

Dear Mr. President:

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 and 42 C.F.R. pt. 83, a petition was filed on behalf of workers who were employed at Argonne National Laboratory-West in Scoville, Idaho, to be added to the Special Exposure Cohort (SEC).

The Centers for Disease Control and Prevention’s (CDC) National Institute for Occupational Safety and Health (NIOSH) evaluated the petition and presented its findings to the Advisory Board on Radiation and Worker Health (Board) on March 23, 2016. The Board considered the petition, and on May 4, 2016, I received the Board’s recommendation concerning this petition (SEC 00224). I have also received the deliberations, findings, and recommendations of the Director of NIOSH and the Director of CDC. Based on this information, I have designated the following class for addition to the SEC:

“All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked at the Argonne National Laboratory-West during the time period from April 10, 1951, through December 31, 1957, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees in the Special Exposure Cohort.”

The criteria and findings upon which this designation is based are provided in the enclosed report.

Please contact me if you have any further questions regarding this matter.

Sincerely,

[Signature on File]

Sylvia M. Burwell

Enclosure
June 3, 2016

The Honorable Harry Reid  
Minority Leader  
United States Senate  
Washington, DC  20510  

Dear Senator Reid:

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 and 42 C.F.R. pt. 83, a petition was filed on behalf of workers who were employed at Argonne National Laboratory-West in Scoville, Idaho, to be added to the Special Exposure Cohort (SEC).

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Sincerely,

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Sylvia M. Burwell

Enclosure
June 3, 2016

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, DC  20510

Dear Senator McConnell:

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 and 42 C.F.R. pt. 83, a petition was filed on behalf of workers who were employed at Argonne National Laboratory-West in Scoville, Idaho, to be added to the Special Exposure Cohort (SEC).

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Sincerely,

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Sylvia M. Burwell

Enclosure
June 3, 2016

The Honorable Nancy Pelosi
Minority Leader
U.S. House of Representatives
Washington, DC  20515

Dear Representative Pelosi:

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 and 42 C.F.R. pt. 83, a petition was filed on behalf of workers who were employed at Argonne National Laboratory-West in Scoville, Idaho, to be added to the Special Exposure Cohort (SEC).

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Sincerely,

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Sylvia M. Burwell

Enclosure
June 3, 2016

The Honorable Paul Ryan
Speaker of the U.S. House of Representatives
Washington, DC  20515

Dear Mr. Speaker:

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 and 42 C.F.R. pt. 83, a petition was filed on behalf of workers who were employed at Argonne National Laboratory-West in Scoville, Idaho, to be added to the Special Exposure Cohort (SEC).

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Sincerely,

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Sylvia M. Burwell

Enclosure
June 3, 2016

The Honorable James Risch  
United States Senate  
Washington, DC  20510

Dear Senator Risch:

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 and 42 C.F.R. pt. 83, a petition was filed on behalf of workers who were employed at Argonne National Laboratory-West in Scoville, Idaho, to be added to the Special Exposure Cohort (SEC).

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Sincerely,

[Signature on File]

Sylvia M. Burwell

Enclosure
June 3, 2016

The Honorable Michael Crapo  
United States Senate  
Washington, DC  20510  

Dear Senator Crapo:

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 and 42 C.F.R. pt. 83, a petition was filed on behalf of workers who were employed at Argonne National Laboratory-West in Scoville, Idaho, to be added to the Special Exposure Cohort (SEC).

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Sincerely,

[Signature on File]

Sylvia M. Burwell

Enclosure
June 3, 2016

The Honorable Mike Simpson
U.S. House of Representatives
Washington, DC  20515

Dear Representative Simpson:

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 and 42 C.F.R. pt. 83, a petition was filed on behalf of workers who were employed at Argonne National Laboratory-West in Scoville, Idaho, to be added to the Special Exposure Cohort (SEC).

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Sincerely,

[Signature on File]

Sylvia M. Burwell

Enclosure
June 3, 2016

The Honorable Raúl Labrador  
U.S. House of Representatives  
Washington, DC  20515

Dear Representative Labrador:

Pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 and 42 C.F.R. pt. 83, a petition was filed on behalf of workers who were employed at Argonne National Laboratory-West in Scoville, Idaho, to be added to the Special Exposure Cohort (SEC).

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Sincerely,

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Sylvia M. Burwell

Enclosure
U.S. Department of Health and Human Services Designation

of Additional Members of the Special Exposure Cohort

under the

Energy Employees Occupational Illness Compensation Program Act of 2000

Designating a Class of Employees

Argonne National Laboratory-West

Scoville, Idaho
I. Designation

I, Sylvia M. Burwell, Secretary of the U.S. Department of Health and Human Services (HHS), designate the class of employees defined in Section II of this report for addition to the Special Exposure Cohort (SEC), as authorized under the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), 42 U.S.C. § 7384q.

June 3, 2016
Date

Sylvia M. Burwell
[Signature on File]

II. Employee Class Definition

All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked at the Argonne National Laboratory-West during the time period from April 10, 1951, through December 31, 1957, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees in the Special Exposure Cohort.

III. Designation Criteria and Recommendations

Pursuant to 42 U.S.C. § 7384q, for the class defined in Section II of this report, the Secretary has determined, and the Advisory Board on Radiation and Worker Health (Board) has recommended, that

(1) it is not feasible to estimate with sufficient accuracy the radiation dose that the class received; and

(2) there is a reasonable likelihood that such radiation dose may have endangered the health of members of the class.

The SEC final rule states in 42 C.F.R. § 83.13(c)(1) that it is feasible in two situations to estimate the radiation dose that the class received with sufficient accuracy. First, the rule states that radiation doses may be estimated with sufficient accuracy if the National Institute for Occupational Safety and Health (NIOSH) has established that it has access to sufficient information to estimate the maximum radiation dose, for every type of cancer for which radiation doses are reconstructed, that could have been incurred under plausible circumstances by any member of the class. Alternatively, radiation doses may be estimated with sufficient accuracy if NIOSH has established that it has access to sufficient information to estimate the radiation doses of members of the class more precisely than a maximum dose estimate.

NIOSH determined that there is insufficient information to estimate the radiation dose of individual members of the class with sufficient accuracy under the two abovementioned situations.
situations. The Board, pursuant to 42 U.S.C. § 7384q, advised the Secretary to designate the
class as an addition to the SEC in a letter received by the Secretary on May 4, 2016.

IV. Designation Findings

Infeasibility of Estimating Radiation Doses with Sufficient Accuracy

The Secretary designs the class of employees covered by this report based upon the
findings summarized below.

• NIOSH has identified that principal sources of internal and external radiation dose for
members of the evaluated ANL-W class working in the Experimental Breeder Reactor-I
(EBR-I) and EBR-II Complexes included beta-gamma and neutron exposures to various
isotopes of uranium, plutonium, thorium, and other actinides, as well as exotic
radionuclides (produced from, or as a result of, reactor neutron irradiation) that include
mixed fission and activation products (MFP/MAP), radioiodines, noble gases, and other
radionuclides.

• NIOSH has determined that it lacks sufficient information, which includes biological and
air monitoring information, or process and radiological source information that would
allow it to estimate exposures from potential internal radiation dose during the period
from April 10, 1951, through December 31, 1957.

• Similarly, NIOSH has determined that it lacks sufficient personnel- or area-monitoring
data to support complete reconstruction of external personnel exposures for the period
from April 10, 1951, through December 31, 1957.

• NIOSH finds that it is feasible to reconstruct occupational medical dose for ANL-W
workers with sufficient accuracy.

• The Board concurred with the NIOSH finding that it could not reconstruct internal
radiation exposures for the proposed class of workers for the period from April 10, 1951,
through December 31, 1957.

• Pursuant to 42 C.F.R. § 83.13(c)(1), NIOSH determined that there is insufficient
information to either: (1) estimate the maximum radiation dose, for every type of cancer
for which radiation doses are reconstructed, that could have been incurred under plausible
circumstances by any member of the class; or (2) estimate the radiation doses of members
of the class more precisely than a maximum dose estimate.

• Although NIOSH found that it is not possible to completely reconstruct radiation doses
for the proposed class, NIOSH intends to use any internal and external monitoring data
that may become available for an individual claim (and that can be interpreted using
existing NIOSH dose reconstruction processes or procedures). Therefore, dose
reconstructions for individuals employed at the ANL-W during the time period from
April 10, 1951, and December 31, 1957, but who do not qualify for inclusion in the SEC, may be performed using these data as appropriate.

- The Board concurred with NIOSH’s recommendation to add the proposed class of workers to the SEC.

**Health Endangerment**

The Secretary established the health endangerment determination for the class of employees covered by this report based upon the findings summarized below.

(1) Pursuant to 42 C.F.R. § 83.13(c)(3), NIOSH established that there is a reasonable likelihood that such radiation doses may have endangered the health of members of the class. Pursuant to 42 C.F.R. § 83.13(c)(3)(ii), NIOSH specified a minimum duration of employment to satisfy this health endangerment criterion as “having been employed for a number of work days aggregating at least 250 work days within the parameters established for this class or in combination with work days within the parameters established for one or more other classes of employees in the Cohort.”

(2) NIOSH did not identify any evidence from the petitioners or from other resources that would establish that the class was exposed to radiation during a discrete incident likely to have involved exceptionally high-level exposures, such as a nuclear criticality incident, as defined under 42 C.F.R. § 83.13(c)(3)(i).

(3) The Board concurred with NIOSH’s finding that the health of the class may have been endangered and defined the class according to the 250-workday requirement specified under 42 C.F.R. § 83.13(c) (3)(ii).

**V. Effect and Effective Date of Designation**


**VI. Administrative Review of Designation**

The health endangerment determination of the designation provided in this report may be subject to an administrative review within HHS, pursuant to 42 C.F.R. § 83.18(a). On the basis of such a review, if the Secretary decides to expand the class of employees covered by
this designation, the Secretary would transmit a supplementary report to Congress providing the expanded employee class definition and the criteria and findings on which the decision was based.