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February 23, 2006

Peter M. Turcic, Director
Division of Energy Employees Occupational
Illness Compensation
U.S. Department of Labor
Room C-4511
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Dear Mr. Turcic:

Thank you for your letter of January 12, 2006 regarding the addition of a class of employees who worked at the Linde Ceramics plant from October 1, 1942 through October 31, 1947 to the Special Exposure Cohort (SEC). In that letter you indicated that your review of relevant documents including "An Exposure Matrix for Linde Ceramics Plant (including Tonawanda Laboratory)," (May 31, 2005) lead you to conclude that only Buildings 30, 31, 37, and 38 at the Tonawanda site are encompassed by the Secretary of the Department of Health and Human Services designation of the following class for addition to the SEC:

Atomic weapons employees who worked at the Linde Ceramics Plant from October 1, 1942, through October 31, 1947, and who were employed for a number of work days aggregating at least 250 work days either solely under this employment or in combination with work days occurring within the parameters (excluding aggregate work day requirements) established for other classes of employees included in the SEC.

The Secretary's designation is not limited to employees who worked in certain buildings at this site. Technical Basis Documents and Site Profile Documents, including the Exposure Matrix for the Linde site are general working documents that provide guidance concerning the preparation of dose reconstructions at particular sites. The use of the term "facility" in these documents is specifically distinguished from the meaning of that term in EEOICPA (see Introduction, page 10). The fact that the Exposure Matrix for the Linde site enumerates certain buildings on the site, describes operations that occurred in those buildings, and outlines approaches for completing dose reconstructions that are particularized to job duties and work locations is irrelevant to the class of employees designated for addition to the SEC, since the Secretary's designation indicates that data are insufficient to support internal dose reconstructions for any covered employee during the period covered by the class designation.

On December 22, 2005, NIOSH provided a breakdown of all of the active Linde Ceramics cases that DOL had originally determined had covered employment within the period October 1, 1942 to October 31, 1947; one list included only cases with at least one specified cancer, and the other list consisted of cases without an obvious specified cancer. On January 12, 2006, we returned cases with at least one specified cancer (with the analysis record on a CD) to the Cleveland District Office. Letters were sent to all claimants whose case was returned to DOL, as has been our past practice.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Elliott". The signature is fluid and cursive, with the first letter of each name being capitalized and prominent.

Larry J. Elliott, MSPH, CIH
Director
Office of Compensation
Analysis and Support